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SPEECH

OF

MR. DOWNS, OF LOUISIANA,

ON THE

COMPROMISE RESOLUTIONS OF MR. CLAY.

IN SENATE, FEBRUARY 18 AND 19, 1852.

The Senate having resumed the consideration of the Compromise Resolutions offered by Mr. CLAY, some days ago, which are in the following words:

It being desirable for the peace, concord, and harmony of the Union of these States, to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of slavery, upon a fair, equitable, and just basis; therefore,

1st. *Resolved*, That California, with suitable boundaries, ought upon her application to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

2d. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4th. *Resolved*, That it be proposed to the State of Texas, that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$—, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition also that the said State of Texas shall, by some solemn and authentic act of her legislature, of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

5th. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, with out the con-

sent of the people of the District, and without just compensation to the owners of slaves within the District.

6th. *But Resolved*, That it is expedient to prohibit within the District the slave trade in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

7th. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the constitution, for the restitution and delivery of persons bound to service or labor in any State who may escape into any other State or Territory in the Union. And

8th. *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws.

Mr. DOWNS said:

Mr. PRESIDENT: From the mere reading of the resolutions presented by the honorable senator from Kentucky, [Mr. CLAY:] now under consideration, or from hearing them read, my impression was so strong against them that I thought it my duty, unexpected as it was, and unprepared as I was, to state some of the strong objections which I had against them. I felt, Mr. President, as I now feel, the temerity and embarrassment of such a course. I felt how inferior and feeble any efforts of mine must be, however just the cause in which I was engaged, against the ability, the reputation, and the influence of the distinguished individual who brought forward the resolutions; and diffident as I am, and disposed as I always am to listen rather than to speak, nothing but the most decided and irresistible conviction that these resolutions would not only aggravate the difficulties in which we are involved, but would be decidedly destructive to the best interests of the whole country, has induced me to do what I would willingly have avoided—engage in a debate which there are so many much more eminent than myself ready to enter into.

Having declared emphatically my opposition and my objection to these resolutions, and not having had an opportunity then to discuss them or give my reasons, I shall now proceed to state the grounds of my opposition.

I shall confine my remarks, Mr. President, in a great degree to the resolutions themselves, and the arguments advanced by the honorable senator from Kentucky in support of them. And first, before entering directly on the resolutions themselves, there are certain preliminary positions assumed by the honorable senator to which I wish to revert. There are three of them. The first one is, that all the different questions involved in this unhappy controversy should be settled at once. However much, sir, I may differ from the honorable senator from Kentucky, [Mr. CLAY:] however much those who come from the quarter of the Union which I do object to his resolutions, it was the general, the universal expression of opinion in all quarters, that, upon this point at least, there could be no difference of opinion from him; that that was the proper and only ground upon which these difficulties could be adjusted. For one, sir, I conceive that that is the only hope.

Mr. President, in the debate which took place here the other day upon this subject, the honorable and distinguished senator from Mississippi [Mr. FOOTE] has but expressed my astonishment and my regret, and not only mine and his own, but that of the whole southern section of this Union, that in so short a time, within a few days, the honorable senator from Kentucky [Mr. CLAY] should have changed his position on that point, and now, instead of settling the whole question quietly, and in a way that would satisfy both North and South, he prefers to take up a solitary branch of the subject. But I do not propose to discuss that question; the honorable senator from Mississippi [Mr. FOOTE] has said all that it deserves.

There can be no objection, it seems to me, to settling all these questions in one bill. We have not here, as in some of the States, any constitutional provision by which legislative acts shall be confined to one particular subject. The proposition that one of these measures must be disposed of at a time would then be very well; but we have no such provision here. It often happens that many different measures are incorporated in the same bill. We had in the same bill, two years ago, a provision for Oregon and California, and the settlement of these questions generally. In many other cases the same thing has been done; and there is no reason why it could not be done here. If it ever is done, it must be done in that way, and that way only.

The next preliminary proposition which the honorable senator submits is, that compromises should be made in such a manner that neither party in this unfortunate controversy should yield anything of principle. Now, this is a fair proposition. I should like to see it carried out. Whether it be practicable to carry it out or not, is a different matter; but if it be practicable, I should like to see it done. But I am sorry to say that I cannot find anything in the resolutions themselves, or in the explanation of those resolutions, to convince me that that proposition is carried out by them. Why, sir, the very second resolution—I do not propose to discuss it, but I merely refer to it—is there any yielding of principle in that? The very first line is, that slavery does not exist by law in New Mexico and California. Is there not yielding of principle there? It seems to me this is yielding everything on one side, and giving up the question entirely. It is to be the compromise which is to

be made, without yielding any principle on either side, certainly this resolution does not do it.

But, sir, there is another of these preliminary propositions to which I wish to call attention for a moment; and that is, that though in these resolutions there were many mutual concessions, there were yet some to be made by the North, without any recompense to be made by the South. Here is the proposition:

“The next proposition is in respect to the slave-holding States. There are resolutions making concessions to them by a class of opposite States, without any compensation being tendered by them to the non-slaveholding States.”

Mr. President, I have studied these resolutions, and I have studied still more carefully the able speech of the honorable senator from Kentucky; but I must confess that I have been utterly unable to find, according to my understanding of the resolutions, any concession to the South without compensation being made, on their part, to the North. If I look to the resolution in reference to the District of Columbia—if this principle can be predicated of any one of these resolutions, it must be of this one—it cannot be said, sir, that much is given up to the South. On the contrary, much more is given up to the North than to the South by this resolution; because, though it admits that it is inexpedient to abolish slavery in the District, the constitutional power to do so is admitted. And really, sir, when I reflect upon the terms in which this resolution in reference to the expediency of abolishing slavery in the District of Columbia is couched, I cannot find any concession in it at all to the South, much less any concession without compensation on the other side.

I wish to make this preliminary explanation, Mr. President, because the weight and the name of the distinguished individual who brings them forward are so great that the very announcement of a concession might carry away public opinion in the North or in the South, without looking at all into the merits of the case. I do not wish the announcement or even the idea to go forth that concession is made to the South, and that I and others from the South were battling against concession made to us. If there is any concession made to the South, without any compensating benefit, I wish to be shown where it is; and if it cannot be shown to exist, I certainly have a right to assume that it is not there.

Mr. President, I now come to the consideration of the resolutions themselves; and the first resolution relates to the admission of California as a State. The resolution held out some hopes which I am sorry to say the discussion of it has destroyed. The resolution says: “That California, with suitable boundaries,” &c. I thought that something might grow out of that expression, “suitable boundaries.” I thought that in it might be found some guaranty of compromise and settlement of the matter. I waited anxiously for some development on this subject.

Mr. CLAY. Will the honorable senator allow me to avail myself of a moment to make an explanation with regard to the introduction of those words into that resolution? At the time it was prepared, I was under the impression that California herself, in adopting a constitution and proposing to be admitted into the Union, had presented that instrument—for I had not then received it—with a provision that if Congress was not satis-

fied with the boundaries which she proposed, it might alter those boundaries so as to make them conformable to what might be deemed right. I say I was under an impression that either in the constitution of California or in the hands of her representatives coming here, there would be some instructions expressive of her consent to the modification of her boundaries, so as to make them conform to the will of Congress. It was with that purpose, and under that impression, I employed those words; because I do not to this moment possess the geographical knowledge which I would desire as to the nature of the country, the soil, and what portion is desert, and what capable of cultivation, to absolutely determine the question. These are the circumstances under which I introduced these words. Nor am I absolutely committed to the admission of California even now, with the precise boundaries which she has proposed; but I am strongly inclined to think we shall have to come to them, as the only alternative which is before us.

I hope the honorable senator will pardon me for the interruption.

Mr. DOWNS. I do not consider, Mr. President, that the statement of the honorable senator makes much difference in the position of the question. I think it is very immaterial whether the California convention authorized a change of boundary or not. I know very well that the boundary of a State once admitted into the Union cannot be changed without the consent of that State. But I believe it is a principle well established, that the boundary of a State may be changed before she comes into the Union, even after she has formed a constitution. I believe it was done in the case of Florida, and, unless I am mistaken, it was done in the case of Iowa. There is no legal objection, it seems to me, whether California consents or not, if Congress considers it proper and necessary that the boundary of this State should be changed. I must still express my regret that no proposition has been made for a modification of the boundaries by that State.

But now, Mr. President, we are told that the people of the South ought not to object to the admission of this State into the Union, though she has prohibited slavery; that that being her act, and not the act of Congress, we have no right to complain; that it is in accordance with opinions advanced by many at the South heretofore, that these things should be left with the people.

Well, Mr. President, there would be a great deal in an argument like that, if this question had been left fairly to the people, without any extraneous influences, without operations from abroad. If this question had been left to the people of California, there might have been some weight in the argument; but as it is, I consider there is none at all. So far from the constitution with which they present themselves to be admitted into the Union, with a prohibition of slavery, being the result of a spontaneous movement of the people of California, I believe it was concocted elsewhere, and carried out there by influences from other places, and not left to the people of California alone. And though we cannot have the direct and positive evidence of the fact, we have circumstances sufficient to lead necessarily and irresistibly to that conclusion.

Now, sir, apart from all public considerations, let us look at the question itself. It is said, on

all hands, and I believe it is pretty correct, that in a large portion of California, at least, slavery would not go. It is contended also by those who contend that slavery should not go there, that slavery is already prohibited there by law. I do not believe that is correct. I believe the arguments of the honorable senator from Georgia [Mr. BERRIEN] and the honorable senator from Mississippi [Mr. DAVIS] are conclusive on that subject. But still, those who hold ground adverse to us have their opinion, and they think these two propositions are true: that slavery is not allowed there by law, and, if it was allowed, it would never go there, for there are no negroes there.

I would ask, Mr. President, how came California to decide so unanimously and decidedly that slavery should not go there? How came it that there was no opposition? It was known that one-half of this Union was opposed to the adoption of such a prohibition, which had also some interest in those Territories; and yet, without any object to be attained—according to the argument of gentlemen on the other side—what could have induced them to adopt, and to adopt unanimously, a prohibition which already existed? Why, sir, sometimes evidence is so strong that it proves too much. The fact which gentlemen rely upon, that this constitution was adopted unanimously, proves that there are circumstances connected with the case which we do not know. Do you think that southern men—and there are many there from the South; some I know from my own State, and some from Virginia, and other southern States—stood by, during the formation of that constitution, and, without any object, or reason, or demand, abandoned all the principles which they before entertained, and, for no object or purpose, came forward, and established a principle there which they have been fighting against all their lives in the United States? I think it is very improbable. The very fact, therefore, of the unanimity, far from satisfying me that this was the spontaneous act of the people, proves more clearly that this constitution was adopted to order, and not spontaneously.

But, Mr. President, we are not left to mere inference on this subject. There are facts and public documents which bear out the assumption that this movement was not the spontaneous movement of the people of California. There have been some strange, some most unaccountable movements in this matter. You know, sir, and the country knows, the difficulties we have had on this question. We all recollect the efforts which have been repeatedly made by both the North and South to compromise this question; it is not necessary to go over them all; but I wish for a moment to call attention to the action of Congress, at the last session, on this subject. I mean, sir, the amendment offered to the appropriation bill by the honorable senator from Wisconsin, called the Walker amendment. After everything else had failed—after it was well ascertained that neither the bill reported by the honorable senator from Illinois [Mr. DOUGLAS] nor any other proposition was likely to pass, near the close of the session, when there was every probability that this matter would lie over, but no provision would be made for the government of the Territory, that California would set up for herself and be lost to the United States, and that a perfect state of anarchy would prevail

there—to avoid this evil, the majority of this body agreed to take steps for the purpose of adopting some compromise and arrangement that would satisfy both parties. After a good deal of discussion, the principle was adopted. That amendment—the Walker amendment—is fresh in the recollection of gentlemen. I shall not take time to revert to it, or to read the amendment; but instead of making provisions by an act which the North or the South might object to, it was proposed, as a compromise, to vest in the President full power to organize Territories and carry on the government of California—not by special provision made by Congress, but by giving full and plenary powers to the President of the United States to do so. As a new President had just come in, it was natural that the people should confide in him. They did confide in him. It was thought that the strength of his name, and fame, and popularity, would enable him to settle this question, if anybody could settle it—that he might, coming in with the power of a new President, (and their power is always greater when they come in than at any other time,) settle this question.

Now, although he might not have settled it to the perfect satisfaction of every one, yet it was thought he might settle it, and save unnecessary agitation. The Senate on that occasion did what has rarely if ever been done before, and perhaps never would have been done, except under the most extraordinary circumstances. They passed that amendment to give to the President of the United States plenary powers—I had almost said dictatorial powers—to settle this question; and yet what was done? I do not intend to embark in any party discussion on this subject. On this question I have nothing to do with party. It is above all party considerations. It has almost lost its connexion with all party. I believe that at the South, “party” is not thought of at all, in connexion with the matter. And, sir, I would least of all do anything that might tend to lessen the influence which the administration might exercise upon it. But it is a grave question, and it is necessary that we should go to the foundation of it; that we should know the facts of the case before we judge of it. Now, if this resolution had been passed—if it had been adopted and carried through the other House—this whole controversy might have been settled; for, whatever the new President might have done, the matter would have been acquiesced in, and the people, upon the whole, would have been satisfied. But, unfortunately, this was not the case. This resolution was sent to the House of Representatives, and was defeated there. And what, sir, is the history of that defeat? I repeat it, sir, it is unexampled in this or in any other country. On this great question, which had then been agitating the country to its very foundation, and which was likely to continue to agitate it, unless settled, the democratic party in this body hushed all party clamor, waived all objection which they had had before; they silenced all the dictates of party, and united with the whigs in giving full and complete powers to the President on this subject. It was taken to the other House, and you know its history. It was defeated there. Had it been there defeated by the democrats, they would have given a reason for its defeat. They might have thought it was giving too much

power, too much eclat. They might have imagined it would build up the whig party so impregnably that it never could be removed from power. I could even have imagined the case of the whigs and other gentlemen opposing it, because they might have thought, as some of them did on another occasion, that the power of the President was sufficient to settle it. But I never could have imagined—the whole world never could have imagined—that this resolution, which gave all the power to the President, should be defeated—defeated, too, by his own friends. Sir, I shall not go into the history of the event. The press gave it long ago. It has since been recapitulated on this floor. It never has been denied that it was defeated by the honorable senator from New York, [Mr. SEWARD,] accompanied by a gentleman (Mr. Ewing) who, a day or two afterwards, became a prominent member of the President's cabinet.

Now, sir, it has become the fashion to talk a great deal about this Union. It is the fashion to decry the South for agitating this question. It has become the fashion to throw the blame of all these troubles on the South. But, sir, if there be any danger to this Union, it is not to be attributed to the South—to those who have sought, on so many occasions, to settle this question; but it is to be attributed in a great measure to the extraordinary, unaccountable, and monstrous intrusions of the administration and its friends to defeat this measure. Had it been adopted, the question would have been settled, the people would have been satisfied, and the country would never have been brought to its present state of agitation and danger of disunion.

I hope disunion may never come. I shall struggle as long and as earnestly as any man to prevent its coming; but if it does come, I shall proclaim it as coming, in a great degree, and that its prevention at least failed, from this act, and this act alone. Well, sir, we have had troubles on this subject before. We have frequently had troubles and excitements. The characteristic distinction between our country and the countries of Europe is, that when we have troubles of this kind, and an excitement which nobody can see the end of, they are solved quietly, and without the least disturbance, by a machinery which we have, and which they have not, and that is the ballot-box.

In 1844, the country was about as much excited on the Texas annexation question as it is now on the subject of California. Resolutions were passed by legislatures North and South. It then happened to be the turn of the northern States to talk about disunion; and they declared—I do not know how many States—if Texas was annexed, that they would withdraw from the Union. Even in his public speeches and addresses, a gentleman (Mr. Adams) who had been honored with the presidency of the United States declared that annexation would be tantamount to dissolution of the Union. There were then great excitement and danger when the election of November, 1844, came on. While this question was raging, the candidates did, on that occasion, what public men should always do, and as it had been their habit previously to do—they declared their opinions on these subjects, and on the questions which were submitted to the people. One of the candidates was in favor of the annexation of Texas, the other against it. It was a warm contest, as such

contests ever are, but peaceable, and led to no difficulties. What was done? What was the result? Why, the very next Congress after the fight at the ballot-box, the Texas question was settled quietly. There was nothing to do but to call up the bill for the admission of Texas, and it was admitted, as a matter of course, as much so as the inauguration of the President, because the people had settled the question. If this had been the case in the last election on the question of the admission of California, and grounds had been taken, clear and distinct, and the people had voted on it, Congress would have acquiesced in it. But that was not the case, at least on one side. But the history of that matter is before the country, and I will not pursue it here. At any rate, one of the unfortunate causes of this difficulty was, that grounds were not taken on this subject by one of the candidates. If they had been, the difficulty could have been settled, and the people would have acquiesced in it. I beg that those who are connected with the administration will consider, when they reproach us with sentiments of disunion, that the world and posterity will decide that the first movement in favor of disunion came from them, and in the way I have described.

Well, Mr. President, we lost that opportunity of settling the question. The Walker amendment was rejected. What was the consequence? What was the next move? Congress adjourned without doing anything. It is well known that in the course of the previous discussions, the opinion was announced that the difficulty might be obviated by the people of California, if they adopted a State constitution and were admitted into the Union. I believe it is a fact that some members of Congress wrote to their friends in California on this subject. I myself said to my friends going there, that if the people themselves should meet and make a constitution, I would agree to it. But it is because the people were not permitted to act spontaneously, but that others interfered, that I am now opposed to its admission. The next move was the extraordinary embassy of Mr. King—a gentleman from Georgia—to California. Now, what is strange about the act of the administration with regard to the Walker amendment and this movement is, that when Congress offered them full power, and authorized them to do everything necessary, they rejected it. They said, No; we will not have any action of Congress in the matter, and defeated it. The very next day, or soon after Congress adjourned, they assumed not only the powers which would have been given them by Congress, but other and extraordinary powers!

How is this to be accounted for? They would not take any authorization from Congress, as we offered them. No; they would not take it. They instructed their leading men here to defeat it; they declined any action on the part of Congress; but the moment Congress was out of sight, they sent out this ambassador to California, to exercise powers far more extraordinary than would or could have been given them by Congress.

Well, sir, it has become the fashion to deny this. I have seen it frequently denied in the press and elsewhere; perhaps it will be denied upon this floor; but, sir, the facts are too strong to be got over. It is rather a wonder that, in a transaction so unexampled, so culpable, so unprecedented, any traces of it have been left on the re-

cords of this government. Attempts have been made to conceal it; but, sir, the ways of Providence are such that the very cunningest design to conceal crimes very often leads to their detection. So it has been in this instance. The very desire to conceal has led to the discovery. Look at the instructions of the Secretary of State to Mr. King. There never was a stronger attempt to conceal. Perhaps that distinguished individual had the idea of Talleyrand—that language is not made to express ideas, but to conceal them. Perhaps that might be a very good doctrine in the hands of Talleyrand or such a man; but it seems to have worked wonderfully bad in the hands of the Secretary of State: for, far from concealing his ideas, it reveals them about as distinctly as if he had written them in so many words.

Here is the celebrated despatch to Mr. King. It commences in these words:

"You are fully possessed of the President's views, and can, with propriety, suggest to the people of California the adoption of measures best calculated to give them effect."

Now, Mr. President, what were the views of the President? They are not disclosed in the despatch. They do not appear on the files of the Secretary of State. They were communicated only to Mr. King. "You are possessed of the views of the President;" but what are these views? They are not before us, sir. Is it customary, sir, to leave these instructions to the memory of ambassadors and persons going out on missions of this kind? Mr. King was the confidential agent of the government. Why conceal any communication from him? Why not give him the means to refresh his memory? Oh, no! He was "possessed of the views of the President," and therefore they were not contained in the despatch he sent.

Now, I ask, what were these views? The impression upon my mind is so strong that I cannot doubt what they were. One of the views to be impressed upon the people of California was, that they should adopt such a provision as would suit the strongest party here, and, therefore, that they should prohibit slavery, so that that question should be decided and put out of the way. That, sir, is the proper inference, if that was the only language in this celebrated despatch. But that is not the only language. Let us proceed a little further. Here is the despatch itself, relating to this point:

"You are fully possessed of the President's views, and can with propriety suggest to the people of California the adoption of measures best calculated to give them effect. *These measures must, of course, originate solely with themselves.* Assure them of the sincere desire of the Executive of the United States to protect and defend them in the formation of any government, republican in its character, hereafter to be submitted to Congress, *which shall be the result of their own deliberate choice; but let it be, at the same time, distinctly understood by them that the plan of such a government must originate with themselves, and without the interference of the Executive.*"

"The laws of California and New Mexico, as they existed at the conclusion of the treaty of Guadalupe Hidalgo, regulating the relations of the inhabitants with each other, will necessarily remain in force in the Territories. Their relations with the former government have been dissolved, and new relations created between them and the government of the United States; but the existing laws, regulating the relations of the people with each other, will con-

time until others lawfully enacted shall supersede them. Our naval and military commanders on these stations will be fully instructed to co-operate with the friends of order and good government, so far as their co-operation can be useful and proper."

Now, Mr. President, I think this solves the mystery which the public have been a good deal puzzled about heretofore; and that is about the authorship of that celebrated passage in the President's message, "all the world and the rest of mankind." It is not only the same idea repeated, but the expression is actually mentioned by the Secretary of State *three times* in the same paragraph. They are to make a constitution; but let it be in their own name: the President will protect them in the matter. You have his views; but make the constitution according to your own wishes. The military will protect you; but make the constitution according to your own will. Now, Mr. President, where is the necessity for these three disclaimers in one short sentence? This, sir, explains them all. It cannot be contradicted that the agent understood it well. I do not know whether we can get at positive evidence; but, if any doubt should be entertained, I should like to have the committee to whom we refer this matter invested with power to send for persons and papers, and bring this messenger and the Secretary of State before it, and ask them what were the views of the President on the subject.

This sentence in this despatch of the Secretary of State must be sufficient to satisfy any unprejudiced mind that Mr. King went there with orders to moot this thing, and have the matter made up in the manner in which it was. We are greatly in want of information that we ought to have upon this subject. We are situated half across the world from California: so that much information will be concealed which we might otherwise have got. I fear there have been at least attempts to conceal this matter, and perhaps attempts to withhold information which we might have got. I have seen no journal of the California convention. There has been here, as I understand, for a month or more, a debate, or rather a report of the proceedings of that convention; but I have not yet seen it published. We are in want of information on the subject; and if we had it, and the whole facts were unfolded, perhaps we should have ample proof, not only that Mr. King went upon that mission, but that he had orders to carry it out, and that it was carried out accordingly.

But, Mr. President, I am not done with that despatch; that is only a part of it. Hear what he says in the next paragraph:

"The laws of California and New Mexico, as they existed at the conclusion of the treaty of Guadalupe Hidalgo, regulating the relations of the inhabitants with each other, will necessarily remain in force in the Territories."

Now, Mr. President, here is announced the very fact in controversy, that the laws of Mexico which prohibited slavery there extended over those Territories; that there was no slavery there. That was one of the views of the President—one of the views on which this measure should be carried out. There cannot be a doubt, then, that this whole movement took place in consequence of instructions from here.

But, Mr. President, if this were not the case,

there are other reasons why the people of the South should not, and never will willingly, consent to receive this State, even if it was a spontaneous movement of the people, without any action of the government. It was a case in which one-half of the Union had no opportunity of being heard; you took snap-judgment on them. Nine-tenths of the white men who wished to go there could not do it. It is much more expensive to transport slaves. We have not the ships and the means; we have not been growing rich out of this confederacy. You of the North have more stores of wealth to stock your expeditions. We must travel by land in our own carts and wagons. We cannot go on so large a scale as the North. We cannot build whole houses and put them on board ships and take them to California. We are not so rich as all that; and the consequence has been that, even if slavery could be admitted by law, those who had no slaves and did not want them got there first, and took possession. They have been there but a short time; and I believe that the honorable and distinguished senators who have been elected there—both of whom I esteem highly, and one of whom was a citizen of my own State, a gentleman whom I would do anything that a sense of duty would allow to gratify, either in respect to convenience or pleasure, and on whose account I regret exceedingly that I feel bound to oppose the admission of this new State—these gentlemen had not been there scarcely a year when they were elected. Out of many individuals who voted in that body, a large portion of them had not been there six months. Well, the government being constituted under such circumstances, it is not correct to say that this is an expression of the people of California, or that the different parts of the United States had a fair proportion. Not only was a portion of the people enabled to go there, while others could not, but a large portion of the people there did not participate in that movement. There must have been within the last eighteen months 100,000 emigrants, not ordinary emigrants, but men who have gone there and scattered out over the country. The very fact that San Francisco has some twenty or thirty thousand inhabitants shows that the emigration is of men who went there well qualified to vote on this subject, as on all others. But, notwithstanding the fact that there were 70,000 or 80,000 inhabitants there before the emigration, and some 100,000 emigrants—men, too, who had as much right to vote as those who did vote—we find not even the ordinary proportion of voters for such an amount of population. There were only some 15,000 who voted on this constitution. Many were engaged in the mines, who went there to make money, and did not care a straw about the constitution.

If a system of suffrage had been adopted by competent authority, and elections properly held under it, it would have been less objectionable. But, sir, this course was not adopted in this case, and I cannot consent, as far as my vote goes, to support the admission of California, in this constitution, as a separate measure.

I believe, sir, that we have as yet no expression—no free expression—of the opinions of the people of California. Whenever that comes, I, sir, shall yield to it. In the acts for their admission, introduced last session, we provided what per-

sons should vote, how the election should be carried on, and how temporary authority should be exercised. In fact, although the bills announced the admission of California, still they made the usual provisions for bringing Territories into the Union, although not quite in the ordinary manner. The usual mode of admitting States was first to authorize territorial government, and afterwards to authorize, by a special act of Congress, the people to form a constitution, and then admit them; still there were many exceptions to that rule, and the practice on the subject was therefore substantially complied with.

But, sir, those who take the other side of the question think they have caught us; that they have got us, because we preferred a similar principle. Why, sir, I, myself, as well as the honorable senator from Illinois, [Mr. DOUGLAS] proposed a bill during the last session of Congress for the admission of California; and that may, perhaps, be urged as a precedent in this case; but it is totally different. We did not propose to bring in promiscuously a crowd of people from all quarters of the world, of all colors; that they should form a constitution, and demand admittance. No, sir; many went there with a desire that the constitution should be made in a particular way, and they took the matter into their own hands. Well, under these circumstances, can it be said that the people adopted their own constitution? Can it be expected that we are to be deterred by such a plea as that from pursuing the course which right and justice require of us? No, sir; this is no example of such a principle as we profess. It is a monstrosity. It is such a thing as never did occur on the face of the earth before, and is not likely to occur again; for another California will not be discovered.

Well, Mr. President, I have another objection. However plausible the argument may be that these people have a right to form a constitution for themselves, they have no right to extend it over the whole country. Let them include in it, if they will, San Francisco and the mines, California proper, west of the Sierra Nevada, where they have settlements—where they dig their gold and make their fortunes; but, I ask you, what right they have to extend their constitution over 300 or 400 miles across the Sierra Nevada to the river Colorado, where a white man never lived, and which none of them ever saw? Have they that right? Where is there a precedent for such a course? Not only do they seek to frame a constitution to protect their cities, and enable them to dig their gold and carry on the commerce of the world; but they must spread their wings over territories where no white man dwells, half across the great basin, because, though they have found no gold there yet, they may still do so.

Now, if they had come in with the usual boundaries contemplated in such cases—the boundary suggested by the minority of the Committee on the Judiciary last year—if they had contemplated proper boundaries, and a very large State at that, but a State for which there was some reason, embracing that country between the Pacific and the Sierra Nevada; or if they had adopted the plan proposed by the senator from Illinois, [Mr. DOUGLAS] which though it proposed the admission of the whole as territory, still there was a provision in the bill allowing

the boundary to be reduced—I would not object to its admission on this ground.

There is no such provision in the constitution. Once admitted into the Union, it has this whole, this broad extent of country. Was there any necessity for that? Is not this a strong reason why Congress should exercise the power, even if they approve this constitution, to limit the boundaries—that the people of California should not spread over all the extent of territory which they ask for here? But, sir, there is another part of the subject on which I will dwell for a moment.

So far as I recollect, there is no provision in that constitution declaring that the public domain in that State shall belong to the government of the United States. It has been the general opinion that, whenever territories are admitted as States, they shall make a stipulation that the public domain shall remain to the United States. It was done so in my own State, and I believe the same rule has been followed in all others. Now, admit California without any such provision, and the public domain will forever be beyond the control of the United States. It is a necessary consequence; it is a legal consequence; you cannot make any such stipulation afterwards, and, if you could, in all probability the people of California would not agree to it.

Now, sir, are you so liberal as to let these people, thus situated—emigrants from the Sandwich Islands, from China, from South America, from the whole world, of all classes, and from every clime where a portion of our own people have been—are you so liberal as not only to give them power to make for themselves just such a constitution as they please, but will you also invest them with the public domain and all the gold which is there to be found? There must be something strange in the case to sanction a measure so absurd in its character. The gentleman from North Carolina [Mr. BADGER] said the other day that a proposition was made here, when the Mexican treaty was under consideration, to yield up all this territory to Mexico; that that proposition was rejected, and, that had that not been the case, this evil would not have occurred. I was strongly inclined to tell the gentleman, if he would make that proposition now, perhaps it would be more acceptable. It is a melancholy fact, so far as the South is concerned, that while you say you do not want this territory, you propose to give the whole of it up, out of the control of the general government. Yet, sir, you will not allow the South this small portion of it, or the right to go there south of 36 deg. 30 min. north latitude.

Mr. SEWARD. The honorable senator stated, if I understood him, that in the constitution of California there is no provision that the public domain shall remain as public property of the United States. I beg leave to call his attention to the second section of the ninth article, where, if he does not find the express declaration that it shall so remain, he will find that there is a distinct recognition of the fact that it does.

Mr. DOWNS. Will the honorable senator be good enough to read the section to which he alludes?

Mr. SEWARD read from the second section of the ninth article of the constitution of California, and from the fourth section, as follows:

"SEC. 2. The legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States under an act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1811, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State."

"SEC. 4. The legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a university," &c.

Mr. FOOTE. I understand that there was a special ordinance adopted to secure the public domain; and I feel bound to hear this testimony, that, throughout the debates in the convention, there was a recognition of the power of the United States by all the speakers. I know my friend does not mean to do injustice, and therefore I have stated this fact.

Mr. DOWNS. There is another question, sir, which ought not to be overlooked, which deserves to be taken into the account in the consideration of this subject; and that is, What is the present situation of California? Suppose we do not adopt that State, and receive her into the Union: is she a part of the United States? I doubt it, sir. She has formed a constitution and government. The acting governor there, General Riley—acting for the President of the United States—has formally, and by proclamation, delivered that government into the hands of the new government just formed. What is she? She is a State. She is out of the Union. Gentlemen ought to be somewhat cautious as to the manner in which they give their sanction to proceedings so extraordinary as these. But if all these objections to the admission of this State into the Union were removed, there are other objections, insuperable objections, which will not admit, for a moment, of the thought of admitting California into the Union at this time.

Mr. President, in the formation of this Union originally, there was necessarily, and from the very circumstances of the case, great irregularity in the size of the States. We took them then as we found them. It was warmly contested in the convention whether some of the very small States should be admitted into the Union upon an equality with the greater or not. It was very nearly the cause of breaking up the convention, for it was thought impossible ever to reconcile the differences of opinion upon this very ground. And I believe that it was through the mediation of Benjamin Franklin principally that a reconciliation was effected, and the convention came together again and deliberated anew. Great irregularity, I say, existed as to the size of the old States, because the thirteen States were admitted as originally formed; but, in regard to new States, the practice of the government has always

seemed to require that something like uniformity in their size should be observed; not that they should be absolutely equal in extent, in disregard of natural boundaries and of the geographical situation of the country, but, other things being considered, that there should be something like uniformity in regard to superficial extent; because it must be remembered, that although there may be at first but a sparse and limited population, after the lapse of a few years the population might become very numerous. Very great changes may take place in this respect; therefore it appears to me that due regard should be had to the territorial extent of the State. I have before me a valuable document, in which is exhibited the comparative size of the different States composing this Union. It is not necessary to read the whole of it, but I will ask permission to refer to a few of the statements contained in it.

These tables are taken from a map among the documents accompanying the last annual message of President Polk, and are therefore official and authentic:

Table exhibiting the areas of the several States and Territories of the United States in square miles and acres.

States.	Square miles.	Acres.
FREE STATES.		
Maine.....	35,000	22,400,000
Vermont.....	8,000	5,120,000
New Hampshire.....	8,030	5,139,200
Massachusetts.....	7,250	4,640,000
Rhode Island.....	1,200	768,000
Connecticut.....	4,750	3,040,000
New York.....	46,000	29,440,000
New Jersey.....	6,851	4,384,640
Pennsylvania.....	47,000	30,080,000
Ohio.....	39,964	25,576,960
Indiana.....	33,809	21,637,760
Illinois.....	57,495	35,459,200
Michigan.....	50,245	32,995,520
Iowa.....	50,914	32,584,960
Wisconsin.....	53,924	34,511,360
Total of the free States.....	654,340	290,777,600
SLAVE STATES.		
Delaware.....	2,120	1,356,800
Maryland.....	11,000	7,040,000
Virginia.....	61,352	39,265,280
North Carolina.....	45,500	29,120,000
South Carolina.....	28,000	17,920,000
Georgia.....	58,000	37,120,000
Kentucky.....	37,680	24,115,200
Tennessee.....	44,000	28,160,000
Louisiana.....	46,431	29,715,840
Mississippi.....	47,147	30,174,080
Alabama.....	50,722	32,462,080
Missouri.....	67,350	43,123,200
Arkansas.....	52,198	33,406,720
Florida.....	59,268	37,931,520
Total of the slave States.....	660,798	370,910,720
Texas.....	325,520	208,332,800
District of Columbia.....	69	32,000

TEXAS IN THREE DIVISIONS. Sq. miles.

1st. Between the Sabine and Nueces rivers, south of Ensenada river, (T proper),	148,569
2d. Between the Nueces and Rio Grande, south of Ensenada river	52,018
3d. North of Paso and the Ensenada river (Santa Fe country)	124,933
Total	325,520

1st. Number of miles of coast acquired by Sq. mls. the annexation of Texas, from the mouth of the Sabine to the Rio Grande	400
2d. Number of miles of coast on the Pacific, including Oregon and California. In California, 970; Oregon, 500; Straits of Juan de Fuca, 150	1,620
Total, including Texas -	2,020

Territory north and west of the Mississippi river and east of the Rocky mountains.

	Square miles.	Acres.
Bounded north by 49 deg. north latitude, east by Mississippi river, south by State of Iowa and Platte river, and west by Rocky mountains.....	723,248	462,878,720
Indian territory, situated west of the States of Arkansas and Missouri, and south of the Platte river.....	248,851	159,264,640
Old Northwest Territory, balance remaining east of the Mississippi river and north of Wisconsin....	22,336	14,295,040
Total of old territory, and organized into States	994,435	636,438,400

Territory exclusive of old territory east of the Rocky mountains.

	Square miles.	Acres.	Square miles.	Acres.
Oregon.....	341,463	218,536,320	454,340	290,777,600
California...	448,691	287,162,240	6610,798	399,910,720
New Mexico*	77,387	49,527,680	650	52,000
Texas*.....	325,520	208,332,800	4994,435	636,438,400
Total.....	1,193,061	762,552,040	2,059,623	1,312,158,720

* Taking the Rio Grande as the boundary.

	Miles.
Length of the Atlantic coast to the mouth of St. Mary's river	1,450
Length of the Atlantic coast from St. Mary's to Cape of Florida	450
Length of the Gulf coast to the mouth of Sabine	1,200
Total	3,100

The new States are larger than some of the old ones. So you see there has been something like uniformity in the new States; and this uniformity should be kept up. Missouri is the largest State at present, except Texas, which is to be divided into four States. But here is an application for the admission of one three times as large as Missouri.

"The area of the State of California, according to an estimate made on Preuss's map of 1848, is 153,000 square miles

Estimated surfaces of other States.	Sq. miles.
California is about $3\frac{1}{2}$ times larger than Louisiana,	46,431
" " " " Missouri,	67,380
" " " " Kentucky,	37,680
" " " " Virginia,	61,352
" " " " New York,	46,000
" " " " Pennsylvania,	47,000

The average distance of the seacoast from the eastern boundary of the new State of California, is	212 miles.
Total length from north to south	764 "
Length of seacoast	970 "

The surface of Deseret, estimated on Preuss's map, as follows:

	Sq. miles.
Part situated in Oregon	20,000
" " California Territory	340,000
" within proposed limits of State of California	70,270
Total	430,270

But that is not all, by a great deal. If this were the only objection, perhaps we might get over it. She not only includes this quantity of territory, but she takes in an immense seacoast. It is desirable that as many States as possible should have a portion of seacoast. I will refer for a moment to the comparative extent of seacoast of the States of this Union and that which is claimed by the new State of California.

From the table and map referred to, it appears that—

1. The seacoast of California is nearly three-fourths the length of the whole twelve old Atlantic States, (Pennsylvania having no seacoast.)

2. It is nearly half the extent of the whole Atlantic coast to Cape Florida.

3. It is nearly one-third the length of the whole coast of the United States on the Atlantic and Gulf of Mexico.

4. It is nearly one-fourth the length of the whole seacoast of the United States on the Atlantic, Gulf of Mexico, and Pacific coasts, embracing (with California and Oregon) twenty States or Territories fronting on the sea.

5. It is equal in length to the whole Atlantic coast, from the southern boundary of Georgia to Cape Cod, in Massachusetts, (all the old Atlantic States, except one and a half;) and commencing at the north it would extend to the middle of North Carolina, and, not including Maine, a new State, to the middle of South Carolina; also extending over the whole Atlantic old States, except one and a half States.

Why, this is monstrous. But if you look at it in another light, it is still more monstrous. Are you willing to make this monstrous difference? What would have been thought if such a proposition had been made when this Union was formed? Suppose it had been proposed to admit a State comprehending nearly the entire coast? This is a proposition as ungracious as that would have been—nay, it is more so; for there would have been an outlet both at the North and at the South for the interior States, but in this case there is no outlet; it completely shuts the door upon all the territory back of it; and we know not what the population of that territory may hereafter be: in all probability there may be gold mines found there as rich as those of California. These people, then, who have squatted down on the coast, may, if they choose, shut out all those who shall hereafter occupy the interior.

The average length of seacoast of all the States is 172 miles, including Florida, which may be called a peninsula; and not including that State, the average length of seacoast is 147 miles; so that California has a seacoast six and a half times larger than the average seacoast of the other States, not including Florida.

While on this point, I will state some other facts, more intimately connected with another question in the argument of the senator from Kentucky, but which may be as well introduced

here—I mean the proportion of territory which the North and the South have received, especially under the Louisiana treaty.

This part of the honorable senator's argument was very well answered by the honorable senator from Mississippi, [Mr. DAVIS,] but I have some additional facts to submit. His position was, that the South had no right to complain of being excluded from the territory acquired by the Louisiana treaty; that although an area of so large an amount had not been appropriated to her under the operation of the Missouri compromise, still she had received territory that was much more valuable. But, sir, the disparity is too great to be compensated by the difference of valuation on the different sides of the line; the difference is immense.

The senator from Kentucky says the South got the best part of the territory acquired by the Louisiana treaty, which he considers, I think justly, our best title to Oregon. Let us see how this matter stands. This territory, Louisiana and Oregon, consists of:

Oregon	-	-	341,473 square miles.
Northwest Territory	-	-	723,228 " "
Indian Territory	-	-	218,851 " "
States of Louisiana, Missouri, and Arkansas	-	-	166,004 " "
Total	-	-	1,479,365 " "
States	-	-	166,004
Territory	-	-	53,346=Slave 224,350 " "
			Free 1,255,015 " "
Total	-	-	1,479,365 " "

Giving 1,255,015 square miles of free territory, and only 224,350 of slave territory, or less than one-sixth of it.

This deficiency is not made up by the greater quantity of good land in the three States, as the senator seems to suppose. There is as much good land generally in the new Territories as in Louisiana, Arkansas, or Missouri; perhaps not so valuable per acre, but in the aggregate more valuable; for though there is much of the finest land in the world in Louisiana, Arkansas, and Missouri, still so much of it is rendered valueless by sea-marsh overflowing swamps, pine barrens, and other lands of little value, as greatly to reduce the aggregate value of the whole. It may be safely assumed that the territory acquired by this treaty, outside of these three States, is capable of sustaining, and will ere long have as great a population, in general, per square mile, as that within them; and when we take into consideration that 53,346 square miles of this territory, south of 36 deg. 30 min., is dedicated forever to the Indians, it is clear that the South has received no more than one-sixth of this purchase, if indeed it be so much, and will have when it is all settled and improved, less than one-sixth of the political power in it. Already two flourishing Territories are organized in it, Oregon and Minnesota; and Nebraska and others will soon follow.

This is the position in regard to territory acquired by the Louisiana treaty, extending, as the gentleman supposes, to the Pacific ocean.

It is no argument to say that the most valuable land has been given to the South, when you look at the vast extent of territory that is gained by the North. At the present moment, to be sure, the slave States have an area considerably larger,

especially if you include Texas; but how will it be when all these States are incorporated?

Area of States and Territories.

		STATES.		Territories.	
		Square miles.		North 36 30. South 36 40.	
				Sq. miles.	Sq. miles.
Free States	-	-	-	454,140	
Slave States	-	-	-	610,798	
Texas	-	-	-	1,065,138*	
				325,520	
				1,390,658†	
Oregon	-	-	-		
North and west of Mississippi river, east of Rocky mountains	-	-	-	723,248	
Wisconsin territory	-	-	-	22,336	
Indiana territory	-	-	-	190,565	53,346
Upper California and N. Mexico	-	-	-	321,695	204,383
				1,599,247	262,729
Add to these that part of Texas north of a line from Paso to Encinada, which may be considered open for the formation of new States	-	-	-	43,537	132,414
Total	-	-	-	1,642,784	396,143
About one quarter south of 36 deg. 30 min., area of free States	-	-	-	450,340	610,798
Balance of Texas after the deduction	-	-	-	-	176,950
Total	-	-	-	2,093,121	1,183,891

Now, as to making any exorbitant demand by the South: We do not come here asking anything but an equal participation in that which we bore an equal share in acquiring. We do not even ask half, although we are half of the Union, and although we have expended half—ay, more than half—of the blood and treasure that were expended. We give up to you all the gold, all the fine harbors—all the advantages, in short; but, to save our honor—to save ourselves, if possible, from injury hereafter—to prevent ourselves from becoming inferiors or dependants—we express our willingness to accept this small boon. And what is most astonishing, sir, is, that even this cannot be granted to us. Well, sir, while such things as these exist—while so small a request as this cannot be complied with—gentlemen must not be surprised that the voice of the South should come up here, and tell them—and that voice will become louder and louder—that this is not the entertainment to which they were invited in the formation of this confederacy; that they love the Union, and will maintain it as long as they can with honor; but the moment they discover that they are not to enjoy that equality which was contemplated at the time of the formation of the confederacy—I will not say what the South will do in such an event; but I will say that, so far as I am concerned, I shall adopt their action and that of my State, whatever that may be; I will follow their lead. It is not for me to point out what they should do, and I will not pretend to say what they will do; but

* Without Texas.

† With Texas.

I will say, that if they, under the circumstances, consider the Union dissolved, and separate themselves from those who treat them with so much injustice—an event which I hope in God may never happen—but, if it must come, let those who deny to us our rights bear the responsibility. We ask but little; we will be satisfied with little; we desire but to save our honor; and that we will do, let the consequences be what they may.

Mr. President, I have said all that I intend in reference to the first resolution. The next resolution undertakes to decide an important question of law. The resolution declares that, by law, slavery does not exist in California. That is the resolution, sir, to which I chiefly referred as being objectionable, on the ground—though there are other serious objections to it—that it contained no compromise. The very first line of the resolution, sir, gives up the whole ground—that slavery does not exist by law, and is not likely to be introduced. Mr. President, that settles the question, according to my interpretation of the matter. There are such things as declaratory statutes, and this, if adopted, will be, to all intents, a declaratory statute. Some of those who favored the compromise that was proposed in 1848, which passed the Senate, but did not pass the House, took the ground that slaves were not permitted by law to go there, and some took the ground that they were. It was admitted, however, that it was a doubtful question. For myself, I have had great doubts on the subject; but if there had been any doubts remaining, they would have been removed by the argument of the distinguished senator from Georgia. [Mr. BERTREN.] I cannot entertain a doubt now, that had that compromise passed both houses of Congress, southern people would have had a right to carry their slaves there. But the gentlemen on the other side afterwards, at a subsequent session, took higher ground, and said that the constitution did go there *proprio vigore*. In the first place, they argued that the constitution did not carry slavery there; and they now come back and take the ground that the constitution does not go there at all. But, at all events, the question must be admitted to be a doubtful one. I think, if it had been permitted to be settled by the Supreme Court, both parties would have acquiesced in the decision.

But now, if Congress declare what is the law, it can no longer be a question to be taken up by the Supreme Court. Why, after such a declaratory act, the question would be settled, call it by what name you please—a Wilmot Proviso or a compromise. If the declaration be made that slavery cannot be carried there, it is effectually prohibited, call the act of prohibition by what name you will. It goes to the bottom of the question; there is no longer a question left. If the gentleman had said, in his preliminary remarks, that this resolution was intended for the advantage of the North, while it gave nothing to the South, he would have indicated the true character of the resolution; and I imagine he will find it difficult to maintain the converse. No, sir; if this is to be a compromise, strike out this provision. That is the very matter in dispute. It will thus be decided, and there will be no longer ground for compromise. Strike this out and pass the resolution as it is in other respects, and I will give it my support. But, sir, I cannot give it my

support so long as it contains this provision; and I am sorry to say that the course of the honorable senator from Kentucky on this subject seems to fall in closely and nearly with that of some gentlemen who have taken decided ground against the southern States. And this question has been agitated during the present session. Some propositions have been submitted in the other House. Correspondence has been published, emanating from respectable sources, as will be found upon looking into the newspapers of the day. I may as well mention the name of a gentleman who has been conspicuous, (Mr. DURN, of the House of Representatives,) who explains his vote on the subject by saying that he did not wish to unite all these knotty questions together, and that the proper course was to get California into the Union—get her senators on this floor; not bring the questions all up together, but get California here—take one at a time—get California first. Now, I was glad to perceive that the honorable senator from Kentucky departed from this rule, and said that they should be taken up together; but now he seems to have joined with Mr. DURN and others who are for separating them. These gentlemen are not for granting a boon to the South! Why, the South asks no boon. We have not expected any boon from gentlemen who have taken such strong ground on the Wilmot Proviso, and in every other way against us.

My object in speaking upon this subject was not because I had the vanity to suppose that I would influence the action of this body in the slightest degree, but because I wished my people at home to understand it, as far as my humble abilities might serve to portray its several aspects. I desire that they should know and perfectly understand that these resolutions were held out to them as bread, and are nothing but stone; that they not only offer nothing, but are worse than nothing; they do not leave any way for getting round the subject, or for fixing upon future terms of concession, or for compromising in any way at the present time; they not only extend to the utmost limits of the present question, but to its boundaries through all future time. The South may grumble and complain as much as it chooses, but it can never have an inch more of ground in our acquisitions for a slave territory. Now, sir, is that a compromise, and a compromise favorable to the South? If the proposal of such a measure is to be called backing your friends, it is such a backing up as I for one cannot get along with, and do not desire to have.

Mr. President, I stated on a former occasion that I had looked forward with anxious expectation to the expression of the views of the senator from Kentucky on this subject; and that an additional reason to that of his great and distinguished talents and his powerful influence was to be found in the fact of his peculiar participation in the Missouri compromise of 1819-'20. But, sir, the gentleman himself has corrected the error into which I and many others had fallen; and he has assured us that it did not originate with him, neither was it a favorite measure with him, and that therefore he does not wish to be responsible for its adoption or its results. He acquiesced in it at the time it was brought forward, for purposes of conciliation and harmony, although he had at that time the same feelings of repugnance to the extension of the institution

of slavery that he has now; and if I am not greatly mistaken, they are feelings that he has always held. I understand him, sir, from his outset in public life, at the time when the constitution of Kentucky was under revision, and when a candidate for election to the convention called to prepare a new one, to have taken a stand against the introduction of slavery into his State. I have never heard that he has changed those opinions. In his famous speech at Lexington he sustained them, and in his still more famous letter upon Texas there is no expression of any change in them. Sir, if there were any doubt at all as to the gentleman's views upon the question, these resolutions, presented by him for our adoption, remove the slightest foundation for doubt. And how, sir, I ask, could we expect to meet with a compromise from his hands, entertaining these views, that would give to the South that which she reasonably asks for? What we want is a fair distribution of the Territories in issue—simply an acknowledgment of our right to carry our slaves into those Territories. The senator, on that occasion, told us that no earthly power would ever induce him to vote for the extension of slavery into territory now free. Sir, I was grieved, seriously grieved, to find that, upon both of the occasions on which the senator from Kentucky addressed the Senate, there was loud applause in the galleries when the sentiments of the senator, to which I have just alluded, were expressed. I regarded it as one of the most mournful, and unfortunate, and unpropitious events that could have happened at such a time. I felt that that applause, given in approbation of the peculiar views of the honorable senator, was the knell of all our hopes and expectations of compromise, to arise from the presentation of his resolutions. It told us clearly what we had to expect from that gentleman with regard to the pretensions of the South. The arguments of the senator upon that occasion—his narration of the true history of the transactions of 1819 and 1820 with regard to the Missouri compromise, and the general tenor of his whole public life from its commencement—all go to show how little can be expected from a compromise to the South coming from such a source, issuing from one holding such views. I was greatly astonished at the time—conceiving, as I did, from his connexion with the Missouri compromise, that something favorable to the interests of the South would be offered by him in the compromise he should present—at the positions he advanced; but he clearly explained their consistency with the views that had actuated him in his former course upon the subject; and therefore it was a great mistake to expect from one entertaining such views anything which could inure favorably to the interests of the South, as connected with the institution of slavery.

If I had thought of all this before, certainly I should not have expected anything from a compromise proposed by him. The gentleman, with reference to the Missouri compromise, gives us his reasons for not sustaining its application to the present issue. At page 28, he says:

"When I came to consider the subject, and to compare the provisions of the line of 36 degrees 30 minutes—the Missouri compromise line—with the plan which I have proposed for the accommodation of this question, said I to myself, if I offer the line

of 36 degrees 30 minutes to interdict the question of slavery north of it, and to leave it unsettled and open south of it, I offer that which is illusory to the South—I offer that which will deceive them, if they suppose that slavery will be received south of that line. It is better for them—I said to myself—it is better for the South, that there should be non-action as to slavery, both north and south of the line—far better that there should be non-action both sides of the line, than that there should be action by the interdiction on the one side, without action for the admission on the other side of the line. Is it not so? What is there gained by the South, if the Missouri line is extended to the Pacific, with the interdiction of slavery north of it?"

I think it should be recollected, in arguing upon this point, that there are a great many different views with regard to it. Whether the view be right or wrong, that slaves could be carried there under such a compromise, the South honestly entertain that opinion. Not only private individuals, but public bodies—such as the legislatures of Georgia, North Carolina, Virginia, Missouri, and most of the other southern legislative bodies—deny the power of Congress to pass the Missouri compromise line as a constitutional power, but they are willing to yield up their doubts, a ready offering upon the altar of concession, in order that some measure of conciliation, affording protection to southern rights, may be agreed upon.

The senator ought at least to have afforded them an opportunity of making the best they could out of a compromise that had been twice adopted, that had twice given peace and safety to the country, when there was almost as much agitation as at present. We ought not at least to have shut the door hastily on this last and perhaps only hope of compromise and settlement; but so it is, and we have no more to hope from him.

The senator, Mr. President, has devoted a considerable portion of his speech to the subject of disunion. I am sorry, sir, that upon such an occasion as the present, it becomes necessary to introduce such a subject. No gentleman, in his approaches to the question at issue, would sooner avoid a reference to this topic than myself. But, sir, upon questions of such magnitude as the present, it is not a matter of choice with those who engage in this discussion as to what points they shall dilate upon; and therefore it appears incumbent on me, on the present occasion, that I should present my views generally upon this question, as well as the other introduced by him.

I have remarked, sir, in a previous part of my discourse, that in a question so important as this, I did not desire to take the lead with reference to my State, or indicate what course she would probably adopt. I am not prepared to state what course she will decide upon, as she has not yet acted upon the question; but whenever I do understand the position determined upon by her, I trust I shall not be backward in carrying it out as far as my abilities may serve. I do not stand here to dictate to her, desiring rather to await her counsel in the matter. I do not think, however, that any declaration of sentiment from her will render a change of my opinions necessary to complete agreement between us. I consider that I am pursuing the policy that ought to be pursued by a representative of Louisiana on a question of this kind, and that my course will not be disapproved. As I have said, there has been

no action as yet on the part of the legislature of Louisiana; but opinions have been advanced by gentlemen occupying high and important public posts in that State, which may well serve as indications of the public mind—opinions which, as far as they go, are entirely in accordance with my own views, and which I shall follow until better informed of the opinions of my constituents.

Governor Walker, fresh from the people, has declared his opinion on the question, and gives the opinion of his predecessor, (Governor Johnson,) who has just retired from office, with regard to the subject of slavery. Here it is:

"But whilst I believe that the Union is not as yet in immediate danger, I think the attitude taken by some of our sister States affords a proper occasion for admonishing our northern brethren that it may be endangered by the continuance and extension of the agitation. The people of Louisiana yield to none in attachment to the Union. They take from it a national name in which they glory, and they owe to it, under Heaven, the prosperity they now enjoy. But this attachment, great as it is, has its limits. It is the result of common interests and of the existence of feelings of mutual kindness between the various members of the confederacy, and it will not long survive their loss. Glorious as has been the career of the Union from its first formation to its present pitch of greatness, there has been no event in its whole progress so truly glorious as its origin. It was formed out of dis-ordant elements, and cemented by sacrifices made by each of its members, for the common good. Its foundations were laid in the spirit of concession and compromise, and in that spirit alone can they be preserved and perpetuated.

"Situated as we are, I think we owe it to ourselves, to our sister States of the South, and to our northern brethren, to declare that if, unhappily, the anti-slavery agitation, which has so long been allowed to insult our feelings, should be carried to the point of aggression upon our rights—if the equality between all the members of the confederacy, established and guaranteed by the constitution, should be destroyed or trampled on by the action of the general government—then we are prepared to make common cause with our neighbors of the slaveholding States, and pronounce the Union at an end. For myself, I do not hesitate to say that I should look upon the dissolution of the Union as the greatest calamity that could befall us; but that, great as this calamity would be, I am certain there is not one of our citizens who would be willing for a moment to weigh it in the balance against the dishonor of submission. Under these circumstances, concurring in the patriotic views of my predecessor, I deem it my duty, as the chief magistrate of one of the States whose vital interests are called in question by the blindness of prejudice and the lawlessness of faction, to invite your attention to the resolves of the people of Mississippi, and to suggest to you the expediency of Louisiana's co-operating with them in an expression of sentiments, firm, determined, and unmistakable, at the proposed convention to be held at Nashville in June next."

I heartily concur in the above, and need say no more on the subject at present.

My chief object in referring to this branch of the subject at all was to notice some remarks of the senator from Kentucky, one of which is so singular that I think I should hardly be credited for stating it, and therefore I will read it from his corrected speech. Speaking of disunion he says:

"Will there not be more safety in fighting within the Union than without it?"

"Suppose your rights to be violated; suppose wrongs to be done you, aggressions to be perpetrated upon you; cannot you better fight and vindicate them, if you have occasion to re-ort to that last necessity of the sword, within the Union, and with the sympathies of a large portion of the population of the Union of these States differently constituted from you, than you can fight and vindicate your rights, expelled from the Union, and driven from it without ceremony and without authority?"

Now, sir, the singularity of this position of the senator is, that in case of disunion, or an attempt at dissolution, the States may enter into war with each other and yet remain in the Union. I must confess, sir, that I cannot see how we can fight and still remain in the Union. Sir, it would appear passing strange to see the senators from Kentucky and the senators from Ohio, for instance, occupying their respective seats in this body, and performing their accustomed legislative functions, while their respective States were in arms against each other. This must be the case, if the war was carried on under the constitution. Could such a state of things exist here, sir, as an assemblage of all the representatives of the Union, peacefully legislating and furnishing the sinews of war, and voting appropriations of men and money to carry on the war that might be raging between the different parts of the Union? Does the senator mean that? Sir, it could hardly be supposed that those who were fighting for their rights would assist in a legislative convulge to furnish the means necessary in order to carry on a war of aggression against themselves. It could hardly be expected that those who were acting on the defensive would in part support the armies and navies of their aggressors, and still contribute from their resources to strengthen and sustain the government that was acting against them. What, then, does the gentleman mean by fighting in the Union? I have always understood that the great object of this Union was to prevent sectional disputes and fighting among its members. Now, sir, if that course is to be changed, in order to sustain a position raised by the honorable senator, it will become a mere pastime for the States to fight in the Union, and will not in the least affect the accustomed legislative action. But, sir, I do not believe that any such design was ever contemplated when this Union was formed; and, if any other inference can be drawn from the remarks of the senator on this point than that which I have presented, I am sure I do not understand its object or meaning.

The senator from Kentucky further informs us that, in case of disunion, the slave States would be much worse off than they are now, because there would be greater opportunities afforded for the escape of slaves. Sir, I can scarcely imagine how this evil could be much more extended and injurious than it is now. Slaves are escaping by thousands annually from their masters—how many thousands I do not know precisely; but I believe the number to be many thousands annually.* Sir, I do not believe that slaves would

*Mr. Clingman said in his late speech in the House on this subject:

"The extent of the loss to the South may be understood from the fact, that the number of runaway slaves now in the North is stated as being thirty thousand, worth, at present prices, little short

more frequently escape from one State to another, or go off in greater numbers than they do now. The large number that I have mentioned escape annually under the operations of the constitution—under the operation of most stringent provisions on the subject; and yet of how little avail is that constitution! how inadequate to the protection of the rights of the southern slaveholder are those provisions! We had an instance of this in the gentleman's own State. A number of slaves escaped from Kentucky into Michigan; agents were sent out after them by their owners, and seized upon them under process from that State; but a mob was raised who rescued the slaves from their pursuers; and owing to this detention and unlawful interposition of those agents, the slaves made their escape. Was the constitution of the United States of any advantage in this case? Has it been of any advantage in hundreds of similar cases, the frequent occurrence of which has led to the construction of the bill now before the Senate for the more effectual reclamation of fugitive slaves? Sir, disunion would be for our interests on this point; because then, instead of depending upon the dead letter and bond of the constitution, as they are now forced to do, Kentucky and the other suffering slave States could take more effectual measures for the prevention of encroachments upon their rights. I do not, then, attach much weight to this argument of the gentleman. But the gentleman thinks that if the Union is dissolved, the States will be divided into three confederacies—the southern, the northern, and the middle. I hope, sir, that that question will never have a solution; that the prediction will never be verified. But, sir, if dissolution should take place, I am very much mistaken if there would be any separation into three confederacies. I do not believe that any division on the line between the free and the slave States would take place unless there was a provision made prohibiting the admission of free States into the southern Union. On the contrary, sir, I believe her boundary would be increased. A different boundary would exist; and however circumstances might shape themselves, I believe the valley of the Mississippi would never be divided. The hand of Providence formed it, and so it will remain forever.

That valley can never be disunited without almost miraculous revolution of the feelings, and wishes, and pursuits of the inhabitants of that

section of the country. The pursuits and avocations of the people living in that valley entirely forbid the adoption of such a course. This question would be settled there by the will of the majority; and it is clearly evident that in the valley of the Mississippi the strength of the South is overwhelming, and will continue so for a long time at least. Left to herself, the interests of the entire South, and of course of the inhabitants of this valley, would be identified, and their action united and cordial. Although some little disturbances and excitement have been gotten up on this subject in that valley, yet they have been but irritations which would never have been thought of but for the example of a few northern leaders. In the case of a division, those portions of the valley where slavery does not exist would be in a minority, whose every interest would demand that they should unite with the majority in one confederation.

In such a Union, effectual measures would be taken to prevent the aggressions that are now so justly and so frequently complained of. But, sir, this confederacy would not only embrace the valley of the Mississippi, as it is called, but other States, which at present wield great power and influence in this Union. There is another State, the State of Pennsylvania, which, I believe, would join the southern confederacy. In the valley of the Mississippi is to be found the outlet of the manufacturing products of one of her most thriving cities. She derives ninety-nine out of the hundred dollars made in her extensive factories in Pittsburg and elsewhere from the inhabitants of this valley. Yes, sir, the masses of Pennsylvania have never yet joined in this crusade against the rights of the South, and I do not believe they ever will. Some of her politicians have endeavored to follow the lead of the North; but the people of the great Keystone State are waking up to a sense of the intrigues and deception of those heartless demagogues, and are taking this matter in their own hands; and I do believe, that if ever dissolution comes, the great masses of the people of Pennsylvania will be for uniting with that portion of the Union with whom they have ever remained on terms of peace, and with whose pecuniary interests their own are, and will continue to be, identified—thus increasing to a still higher degree their prosperity and power, by furnishing the South with her manufactures exclusively, which already characterize her as one of the leading members of the Union.

Sir, this is not mere conjecture. I saw a letter within a few days from a respectable gentleman in the State of Pennsylvania upon the subject of our present troubles and of the dissolution of the Union, in which he says, if it ever should come, Pennsylvania will stand by the South. Her pecuniary interests, her commercial prosperity, demand it.

A few words with reference to another point advanced on this subject, and I have done with it.

The senator from Kentucky further states, that if this Union were dissolved, it would not be sixty days before war would commence. I do not intend to make any boasts of southern valor compared with northern valor. Americans from all quarters of the Union all fight with equal perseverance and energy. If there is any difference between the North and the South, it

of fifteen millions of dollars. Suppose that amount of property was taken away from the North by the southern States acting against the constitution, what complaint would there not be!—what memorials, remonstrances, and legislative resolutions would come down upon us! How would this hall be filled with lobby members, coming here to press their claims upon Congress! Why, sir, many of the border counties in the slaveholding States have been obliged to give up their slaves almost entirely. It was stated in the newspapers the other day, that a few counties named, in Maryland, had, by the efforts of the abolitionists within six months, upon comparison, lost one hundred thousand dollars' worth of slaves. A gentleman of the highest standing from Delaware assured me the other day that that little State lost, each year, at least that value of such property in the same way. A hundred thousand dollars is a heavy tax to be levied on a single congressional district by the abolitionists."

is that the North are a little more careful to know what they are fighting about, whilst we of the South go into it without much reflection. Our northern friends are more prudent—more wise; they are as brave, but they consider the cost. So they will do in case this Union is dissolved; and when they come to count the cost, they will find that there is not much inducement to fight—not much to be made by fighting. War is not a money-making business. There never was much money made by it, and never will be. Even in the case of the party that proves victorious in war, they lose ten times more than they gain. The New England people are a wise, a trading people; and I venture to say they will never go into such a fight; and even if they had an expectation of gaining ever so much, I am sure they would not be for engaging in such a war. I am satisfied of it.

[Without concluding, Mr. Downs here gave way for a motion to adjourn.]

TUESDAY, February 19, 1850.

The same subject being again under consideration, Mr. DOWNS resumed and concluded his speech as follows:

Mr. PRESIDENT: When the Senate adjourned yesterday, I had just concluded the few remarks I had proposed to make on that part of the speech of the senator from Kentucky [Mr. CLAY] which referred to disunion, and the first point I propose to take up this morning is intimately connected with that subject. It is the interest which the northern part of the Union have in the preservation and perpetuity of this Union.

There is no doubt, Mr. President, but that all of us, of every section, are deeply interested in the Union; but still there may be a difference, and there may be a greater interest in its preservation in one quarter than in another. The section of the Union to which I belong desire and have received no advantages, no exclusive privileges, to accrue to them from the Union; and in the consideration of matters of the importance of the questions now before us, and the consequences which may result if we unhappily are not able to adjust the difficulties which now exist among us, it can do no harm, and it may do some good, to look at the interests connected with these matters, and see where the greatest interest, as connected with the perpetuity of this Union, is.

I have here some statements taken from official sources and published at the North, showing the interest of that portion of our country in the Union, so important and striking that I will submit them. I make no apology for their length: they are too valuable to be shortened. There is not a word to much. They contain, too, facts, arguments, and sentiments, much better and more forcible than I could give. They ought to be well received at the North; for they do not come from the South, but from those of their own people who best understand their interests. They are taken from a recent number of the Democratic Review, and I suppose were written by the able author of the valuable commercial articles of that periodical:

"The formation of the cotton States, with Cuba, into a great cotton, tobacco, sugar, and coffee-producing union, calling both the boundless fertility of Cuba, and renovating the West India Islands, with the labor of the blacks of the southern States, in those hands in which their labor and numbers have thriven so well, and this empire annexed to Britain by

treaties of perfect reciprocity, giving the latter command of the eastern commerce by way of Nicaragua, and all the benefits of possession, without the responsibility of slave-ownership, would be a magnificent exchange for the useless province of Canada. The separation of the North from the South, under the unaltered feelings which must necessarily exist before its possible consummation, would cut off the former from its supply of raw materials, deprive its ships of two-thirds its business, close the whole southern market to the sale of its wares, shut up its factories, depopulate its wharves, and reduce it speedily to the present condition of Canada. The possession of the mouths of the Mississippi would give the South absolute control of the West. There are those now living in the valley who can remember that the possessors of the Delta of the Mississippi by Spain was fast separating the East and West. A delay of five years in the purchase of Louisiana would have dismembered the Union, and created a separate government in the valley. If the influence of that avenue of trade was so great then, when the settlements of the West were few, and their surplus products unimportant, what would it now be, when \$50,000,000 worth of western produce, become indispensable to England, is annually borne by it to market? With such a connexion, it cannot be doubted that England would return to her exclusive system, and the crushed industry of the New England and Middle States would struggle in vain for reward. Nevertheless, this is what desperate sectional politicians are striving, in connexion with British emissaries, to bring about, seeking their reward in political advancement among a ruined people.

"If we endeavor to form some estimate of the interest which the North has in southern prosperity, we may begin with the most obvious item, viz: the shipping. This is, according to the official tables, owned in the following proportions:

	Owned.	Registered tonnage.	Enrolled tonnage.	Total.
South.....	159,456	324,845	494,797	
North.....	1,201,930	1,453,314	2,658,244	
Total.....	1,361,386	1,778,159	3,153,041	
Fishing and whaling..	192,180	133,898	326,078	

"Deducting the whaling and fishing tonnage from that owned at the North, leaves 1,069,975 registered, and 1,322,475 coasting tonnage, applicable to the transportation of merchandises. More than three-fourths of this entire tonnage are employed in the transportation of produce exported from southern ports. The leading article being cotton, its movement is as follows:

1848-'49.	Bales.	Pounds.	Tons required.	Per lb.	Amount of freight.
Exported abroad..	2,227,844	891,137,600	667,425	ct. 1½	\$13,367,064
Exported coastwise	785,324	314,129,600	209,417	½	1,570,648
Total	3,013,168	1,205,267,200	876,842		14,947,712

"This coastwise export is merely the first movement south to north, and does not embrace its ultimate navigation in small vessels. As an indication of the freights on other articles, it may be stated that the quantities of the eleven articles of sugar, molasses, flour, pork, lard, bacon, beef, tallow, whiskey, corn, and tobacco, which left New Orleans, for the year 1849, both foreign and coastwise, required 101,900 tons, and the freights were worth \$2,467,749. Of the quantities sent coastwise of these articles, a considerable portion was subsequently exported abroad from southern ports, giving a new freight to shipping. Inasmuch as that, of all the exports of the country, 75 per cent. is based upon southern produce, and as we have seen in the above table, which is from official sources,

ces, nearly all the shipping is owned at the North, and the rates of freight, in usual years, are graduated by that of cotton, an estimate may be made of the whole freights. From northern ports these are much less than from the South; thus, while the average is about \$22 from the South, with primage abroad, it is about \$7 per ton to the northern ports. It is also the case, that vessels are built to carry nearly 50 per cent. more than their registered tonnage, and also that many of the voyages are to the provinces and the West Indies. Hence, the average outward freights are not over \$15 per ton. The American tonnage cleared from the United States in 1845 was 2,951,249, which, at \$15 per ton allowing two-thirds for southern origin, gives the following sums:

Tons.	Northern origin.	Southern origin.	Total.
Outward, 2,461,389 at \$15	\$12,306,400	\$14,612,800	\$26,919,200
Inward, 2,393,132 at 8	9,573,928	9,573,928	19,147,856
Total foreign trade	21,880,328	31,186,728	56,167,056
Total coast, be- tween North and South.....	2,000,000	6,000,000	8,000,000
Total.....	23,880,328	40,186,728	64,167,056

"The inward freights are of merchandise on which the northern shipping makes a freight, the northern importer and jobber their profits, and on which, probably, one-half is sold and paid for at the South. In this are included freights from Europe, South America, and the East Indies, ranging from \$10 to \$25 per ton, and forming a large part of the whole; so that the average will not form less than \$6 per ton of carrying capacity, or \$3 per ton register. The freights of vessels in the foreign carrying trade, from Cuba to Europe, &c., are not included.

"The imports and exports of the Union were, for 1843, as follows:

	Imports.	Exports.
Free States -	\$137,357,826	\$75,985,050
Slave States -	17,631,102	75,951,386
Total -	154,998,928	154,036,436

"This embraces the large exports of farm produce from the North for the famine year, and is therefore above an average for that section. Under the estimate that one half of the imports are consumed at the South, then \$60,131,638 must pass through northern hands, leaving at least fifteen per cent. profit—say \$9,000,000, including insurance, &c. In return for this, an amount of bills, drawn against southern exports, must be sold in New York, equal to the difference between southern imports and the amount of their exports—say \$69,000,000. The negotiation of these gives at least \$1,000,000 more to the North. On data furnished by the census of 1840, it was ascertained that the value of the manufactures of the New England and middle States was \$182,945,317, including 509,000 bales of cotton worked up at the North. Of this, one-half, say \$90,000,000, finds sale in the southern States, and those of the West, which, delivering their produce on the great water courses, necessarily form part of that region, at a profit to manufacturers, jobbers, forwarders, expresses, insurance, &c., of 25 per cent., or \$22,250,000. There arrived at New Orleans last year, by the Mississippi river, of produce from all the western States, a value of \$36,121,638, and probably \$14,000,000 more found sale in the slave States through smaller avenues and at shorter distance, making say \$50,000,000; for all which was received in return, sugar, coffee, tobacco, materials of manufacture, and domestic bills drawn on the North against produce and bills of exchange. These sales of produce probably realized 20 per cent. profit, and it is from the proceeds of their sales of produce to

the South that the West pays for its purchases of goods at the East. There is also probably \$20,000,000 of northern capital, drawing large profits, in southern employments. Stocks, shares of companies, and interests in firms, which, with the amounts expended by southerners coming north in the summer season, must yield \$5,000,000. These rough estimates of the profits of the North by southern connexion may be summed up thus:

Freights of northern shipping on southern produce	\$10,185,728
Profits derived on imports at the North for southern account	9,000,000
Profits of exchange operations	1,000,000
Profits on northern manufactures sold at the South	22,250,000
Profits on western produce descending the Mississippi	10,000,000
Profits on northern capital employed at the South	6,000,000

Total earnings of the North per annum \$88,436,728

"These estimates are all exceedingly small, and do not embrace a variety of transactions which form the basis of most corporate profits. It might also embrace the profits on sales to western States, which are enabled to pay by their sales to the South. Now, when we reflect upon the whole of the transactions out of which spring these profits enumerated, and also the employment of a very large proportion of the northern people, as well as one-half of the whole external trade of Great Britain, with all those remotely dependent upon the persons actively engaged in the trade, we begin to form some idea of the magnitude of the crime premeditated by the Van-Buren free-soil-abolition party.

"If we throw together the capital and number of persons directly occupied in the manufacture of cotton, with the number of bales required annually to keep them in employ, we arrive at something like the following result:

	Bales consumed, 1849.	Hands employed.	Capital invested.
Great Britain,	1,813,422	450,000	\$366,000,000
Europe,	983,943	233,000	183,000,000
United States,	520,000	160,634	122,000,000

Total - 3,323,365 873,634 671,000,000

"This large consumption, 2,800,000 bales were furnished by the southern States, and they support, through the profits of its fabrication, not less than 4,000,000 whites; and the cloth so produced furnishes comfortable clothing to millions more, who otherwise would suffer from want of it. If by any convulsion the supply of raw material should be cut off, how wide-spread would be the resulting destitution and ruin to all nations!

"A separation of the Union would involve the immediate connexion of the whole South, with Mexico and the West Indies, with England; and, under the exasperation that would inevitably attend such an event, the North—its ships, goods, produce, and traffic—would at once be excluded. The rigor of that British exclusive system which before drove the independent northern States into a union with the South, would apply with tenfold force; and while the South has now become necessary to every country of Europe, the North has nothing to offer, being, in fact, a rival to each and all in manufactures. The areas of the free and slave States are as follows:

AREA OF THIRTY STATES, WITH LANDS SOLD AND UNSOLD.

	Area, acres.	Area sold in new States.	Money received by U. S.	Unsold area new States.	Population 1840.
Free,	290,777,600	59,007,332	91,687,565	199,935,398	9,918,864
Slave,	399,375,502	41,203,324	45,965,512	145,977,915	7,513,008

Dols.

"The area of western and unsold, with a large portion of that already sold, is entirely commanded by the Mississippi and its tributaries, and the possessors of its delta are the controlling power. The introduction of manufactures is most rapidly progressing in the northern slave States; and as those become less able to compete with the more southern lands in agricultural productions, the impulse will be enhanced, and with greater success that the improving prospects of the raw material promise to enhance the capital applicable for that purpose."

"Every year the progress of affairs makes the North less necessary to the South, and makes the latter more necessary to England and Western Europe."

This, Mr. President, it will be borne in mind, is the view of no southern, no sectional, no partial mind. There is much more in the article which might be read with profit, but I will not take up the time of the Senate in so doing.

These extracts show, Mr. President, the immense difference between the interests of the two sections. And the table proceeds to show that almost the exclusive monopoly of the shipping interest is in the hands of the North, and that it depends almost entirely for its existence upon the carrying trade of the South. After going on to state many of the advantages in trade and commerce which the North derives from its union with the South, it gives in detail the different sources from which they are derived, and which I will not take up the time of the Senate by referring to.

This, Mr. President, is the annual production of a trade every dollar of which would be diverted from the North by the dissolution of the Union. The whole of it can be done with just as much advantage to the South by the ships of other countries.

This, sir, serves to show the deep and intimate interest and connexion of the North with the products of our section of the country.

Talk about our slave population! Why, sir, the North derives at least as much, if not more advantage from the products of our slave labor than those who employ it. The owners are almost the mere superintendents of those plantations for the northern interests. This is no hypothesis, no mere theory; it is a matter of fact. Go from the South to the North, as I have done, and what is the first question asked you everywhere? It is, how much cotton, how much sugar, or how much tobacco is being made this year? And they are as anxious—every manufacturer in Lowell, or anywhere in New England, is as deeply interested, and feels as much solicitude and anxiety, as to the number of bales of cotton that are to be produced—as is the cotton-planter himself. And the deprivation of these resources would not only be an evil to them, but a great deal more. With them it is a necessity. They could not live, they would starve, without it. There is not this great necessity existing so far as regards the South. Having a rich country and a delightful climate, it would be only changing our trade from one channel to another. Even if deprived of the advantage of selling our surplus productions altogether—which would not be the case, as they would only be forced to seek another market—by the event of a dissolution of the Union, still we would be better off than the North, and could better provide for ourselves. We would have that with which man originally

started in this world—a virgin soil, and plenty of hands to work it—the means to live, if not to acquire wealth. And, as the writer from whom I have quoted demonstrates, it cannot be doubted that the condition of new England would be as bad, if not much worse than that of Canada now, with her trade prostrated, looking to us to see whether the United States are disposed to annex her, (which I believe we are not much disposed to do,) and with the mother country anxious to get rid of her, if she can do so with honor. Without, as now, her vessels employed in the whole carrying trade and transportation of the millions of the productions of the South, and deprived of the great market for all these productions and manufactures furnished in the South, and which surely would be the result in the event of a dissolution of the Union—yes, sir, I repeat it, New England and the whole North would soon be in the same condition as is Canada. Sir, this is a subject not for me, nor for those from whom I come, to discuss or to look to; but it is one fraught with results so important that I do hope that our brethren in the North, who are so deeply interested in it, will turn their attention to it—will cast up the accounts—and will see exactly where and how they stand, before they proceed further in their labor of dissolving the Union.

There is one branch of the argument of the senator from Kentucky which I omitted to advert to yesterday, and which I will notice now. I refer to the resolution of the senator in regard to the boundaries of Texas; and I will not discuss the subject to any extent, because I know it will be better done by the senator from Texas [Mr. Rusk] himself, who is familiar and thoroughly acquainted with the question, and abler than myself to discuss it. But there are some points of view in which the interests of the whole nation, and of the South particularly, are concerned, and with which the resolution of the senator from Kentucky comes in direct conflict; and I hope the senator from Texas will not consider me as trenching on his branch of the argument if I advert to it for a moment. I allude to the third resolution of the series offered by the senator from Kentucky, and which I will read:

"3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river."

Now, Mr. President, the point to which I wish to advert is, that this resolution not only refuses to give us anything more by way of compromise, but that it takes away one-half of that which we gained by the Texas compromise. By the Texas compromise slavery was not prohibited south of 36 deg. 30 min.; while the line proposed in this resolution, commencing at the Rio Grande and running eastwardly, would be about the thirty-second degree of north latitude, and would deprive us of the benefit of the whole of Texas lying between the thirty second degree and the line of 36 deg. 30 min. While the gentleman will not go into any new compromise, I

hope he will at least adhere to the present one on this subject. So much does he now appear opposed to compromises, and so eager is he to deprive us of the little we have gained by the Texas compromise, that I suppose he would also have taken away from us the 50,000 square miles that remain of the Missouri compromise, had he not found that they had already been given to the Indians.

Another thing: the resolutions of annexation have an important bearing on this boundary question. It clearly implies that the portion of territory claimed for Texas east of the Rio Grande is to be considered as such, or otherwise the compromise as to the degree of $36^{\circ} 30'$ would have no application. But the line run by the senator, as will be seen by a reference to the map accompanying the President's message for 1848, cuts off the whole of it. So that if such a boundary was contemplated by the act of Congress, there was no place whatever for the Texas compromise. I do hope that when the senator comes again to examine this subject, he will see that the Texas boundary was acquiesced in not only by this act of Congress, but by others which have been adverted to in former discussion, but with which, perhaps, the senator, having been absent from public life at the time, is not familiar—before the war was commenced, or before the treaty by which we acquired any country from Mexico had been signed, and in the establishment of post offices and post roads between the Nueces and the Rio Grande. And among other acts, which show clearly that the boundary claimed by Texas is her acknowledged one, is the map accompanying the treaty with Mexico. To this the senator thinks but little importance is to be attached; but I think it is a matter of a great deal of importance. On that map the situation of the territory referred to in the treaty is clearly laid down. There no part of the territory east of the Rio Grande is represented as a part of Mexico, and none of it is so treated at all. In addition to that fact, it is stated on the margin of the map that it represents the States and departments of Mexico, *as organized and established by various acts of that republic.*

Neither in this map nor in any other portion of the treaty is this strip of territory east of the Rio Grande once considered as part of New Mexico; and therefore, if it does not belong to Texas, it belongs to Mexico, and was never ceded by her. Yet those who made that treaty understood this question, and had this map before them. But, however this boundary is settled, I hope we shall not be deprived of the portion of Texas lying south of 36° deg. 30 min.

I have had a calculation made of the quantity of land lying north of the line proposed by the senator. The quantity of land in Texas north of that line, according to this map, is 124,493 square miles. That part of it north of 36° deg. 30 min. is 50,000 square miles, leaving a balance of 74,933, and this by this third resolution of the senator from Kentucky is taken off from the territory given us by the Texas compromise. I think that to be a most serious objection to the resolution.

Mr. President, I have been induced, from a suggestion which I have seen in one of the letters of Mr. Madison, to look into the discus-

sions of the convention which framed the constitution on the subject of slavery, and I have found, sir, that this thing of restricting the emigration of slaves in the United States into the Territories was a notion at that time not at all entertained, or even thought of. In all the exciting and protracted debates on the slavery question in that illustrious body, it does not appear that there was ever a whisper even to indicate that it was the intention or idea of any member of the convention that the emigration or transportation of slaves from one portion of the Union to another should be prohibited.

Here is what Mr. Madison says on this subject, in his letter to Mr. Monroe, in 1820:

"The questions to be decided seem to be—

"1. Whether a territorial restriction be an assumption of illegitimate powers; or,

"2. A misuse of legitimate power; and, if the latter only, whether the injury threatened to the nation from an acquiescence in the misuse, or from a fixation of it, be the greater.

"On the first point, there is certainly room for difference of opinion; though, for myself, I must own that I have always leaned to the belief that the restriction was not within the true scope of the constitution.

"On the alternative presented by the second point, there can be no room, with the cool and candid, for blame in those acquiescing in a conciliatory course, the demand for which was deemed urgent, and the course itself deemed not irreconcilable with the constitution.

"This is the last view I have taken of the subject. I am aware that I may be suspected of being influenced by the habit of a guarded construction of constitutional powers; and I have certainly felt all the influence that could justly flow from a conviction that an uncontrolled dispersion of the slaves now within the United States was not only best for the nation, but most favorable for the slaves also, both as to their prospects of emancipation and as to their condition in the mean time.

"I have observed, as yet, in none of the views taken of the ordinance of 1787, interdicting slavery northwest of the river Ohio, an allusion to the circumstance that when it passed, Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were in the full exercise of, the right to import them; and, consequently, that there was no mode in which Congress could check the evil, but the indirect one of narrowing the space open for the reception of slaves.

"Had a federal authority then existed to prohibit, directly and totally, the importation from abroad, can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slaves actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or perhaps thought of?"—*Mr. Madison to Mr. Monroe, February 10, 1820.*

Mr. President, I call the attention of the Senate for a moment to the first of these quotations from Mr. Madison, in which he gives it as his decided opinion that there was no reasonable objection to the transportation of a slave from one State to another; and that whatever our thoughts or sentiments on the subject of slavery may be, they should not prevent the exercise of this right. Now, this is exactly the question presented here. It is not a question as to whether slavery shall be increased at all, or whether, if it be an evil—which I do not admit—it shall be extended or not,

but a question as to what it is best to do under the fact that it exists and cannot be got rid of. On this subject, I have presented to you, in the extracts I have just read, the opinions of Mr. Madison, (and I think they ought to have much weight with those who regard the opinions of the fathers of this government,) that it is not only no objection, but desirable, and better for the slave himself, as well as the community, that the slave population should be dispersed rather than confined. The whole controversy here is, not whether slavery shall be increased, but whether it shall be extended or not. As to the benefits resulting to the slave from the extension of the institution, I think I may appeal to the senator from Kentucky himself. I believe it is generally understood that, in the formation or amendment of the constitution of Kentucky, he was at that time opposed to the further introduction of slaves into that State. Well, he did not succeed in securing the adoption of that restriction. But suppose that he had, and no slave had been permitted to go into Kentucky: would it have diminished the number now in the country, or made them happier than they are? Were they not in reality made happier, instead of being gathered together and confined to one locality, by being allowed to go where they are, and where, as in the States of Missouri and Kentucky, they are the happiest people on earth? I ask, then, if the slave, whose condition appears so much to engross the sympathies of certain pseudo philanthropists, has not actually been made happier in his position by being allowed to be transported to those States? All these attempts at restricting the extension of slavery, so far from facilitating emancipation, have had a tendency to retard it, and to increase its aggregate numbers. And the ordinance of 1787, I believe it can be demonstrated, so far from aiding emancipation, most materially retarded it; because, if slaves had been allowed to be brought into Ohio, Indiana, and Illinois, few in number though they would have been, they would have been emancipated and set free perhaps before now; whereas, by confining them to the present slave States, they remain slaves, and are likely ever to remain so. Well, as it was then, so it will be now in regard to the new Territories. Suppose slaves were allowed to be carried to California: if, as is contended, they would not be profitable there, they would soon be emancipated, and thus the aggregate number of slaves would be reduced. But yet those who hold this argument, and who expend so much sympathy for the slave in his present condition, will not allow him to go where, according to their own argument, emancipation would be certain to follow him.

But the chief object I had in referring to the opinion of Mr. Madison, was to show the truth of his suggestion that in all the debates in the convention on this subject the idea of restricting the emigration of slaves from one part of the United States to another was never for a moment thought of. When the ordinance of 1787 was agreed to, the constitution was not in existence. At that time, as there was no prohibition existing against the foreign importation of slaves, the people at the North thought it necessary that some provision of this kind should be adopted, as a restriction upon their increase. But in the

convention which framed the constitution, another method to attain this end was proposed, and, after much discussion, adopted, as the only proper one—that was, after a certain period, to prohibit the importation of slaves from abroad. I will quote a few extracts from the debates in the convention, as conclusive on the points I have here laid down; and, first, from the remarks of Rufus King—the same who, in 1819-20, acted so conspicuous a part in the Missouri controversy, and was the author of the restriction then imposed:

“Mr. King said: If slaves are to be imported, shall not the exports produced by their labor supply a revenue, the better to enable the general government to defend their masters? There was so much inequality and unreasonableness in all this, that the people of the northern States could never be reconciled to it. No candid man could undertake to justify it in them. He had hoped that some accommodation would have taken place on this subject; that, at least, a time would have been limited for the importation of slaves. He never could agree to let them be imported without limitation, and then be represented in the national legislature.”

He says nothing, as will be seen, about the extension of slavery, but only against its further importation.

“Mr. Gouverneur Morris said: The admission of slaves into the representation, when fairly explained, comes to this: that the inhabitant of Georgia or South Carolina, who goes to the coast of Africa, and, in defiance of the most sacred laws of humanity, tears away his fellow creatures from their dearest connexions, and damns them to the most cruel bondage, shall have more votes, in a government instituted for the protection of the rights of mankind, than the citizen of Pennsylvania or New Jersey.

“Mr. Rutledge did not see how the importation of slaves could be encouraged by this section. He was not apprehensive of insurrections, and would readily exempt the other States from the obligation to protect the southern against them. Religion and humanity had nothing to do with this question.

“Mr. Ellsworth was for leaving the clause as it stands. Let every State import what it pleases. The morality or wisdom of slavery is a consideration belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old confederation had not meddled with this point; and he did not see any greater necessity for bringing it within the policy of the new one.

“Mr. Ellsworth said, as he had never owned a slave, he could not judge of the effects of slavery on character. He said, however, that if it was to be considered in a moral light, we ought to go further, and free those already in the country. As slaves also multiply so fast in Virginia and Maryland, that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go on further than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle.

“Mr. Pinckney said: If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece, Rome, and other ancient States; the sanction given by France, England, Holland, and other modern States. In all ages, one-half of mankind have been slaves. If the southern States were let alone, they will probably of themselves stop importations. He would himself, as a citizen of South Carolina, vote for it. An attempt to take away the right, as proposed, will produce serious objections to the constitution, which he wished to see adopted.

"General Pinckney said, he contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade.

"Mr. Gerry thought we had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it.

"Mr. Dickinson said he considered it as inadmissible, on every principle of honor and safety, that the importation of slaves should be authorized to the States by the constitution.

"Mr. Sherman said it was better to let the southern States import slaves than to part with them, if they made that a *sine qua non*.

"Mr. Randolph said he was for committing, in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He would sooner risk the constitution."

These extracts I give the more freely, because they are not only to the point to which I refer, but have an important bearing on the great slavery question in many other respects: among other things, they show clearly that unless a liberal compromise had been agreed to on that subject, the Union would not have been formed. There was, perhaps, some reason in that, though not so much either; because there would be no such great inequality in allowing the importation of slaves into the South, and the consequent increase of representation, when compared with the increase at the North from the immense emigration there, perhaps not expected. Mr. King clearly never thought of limiting the increase of slavery by preventing their removal from one State to another, or that there was any danger of its increase merely from such emigration, when the foreign importation was forbidden.

There are many other remarks to the same purport, from which I might quote, if necessary. The question—on the subject of representation—was, after this debate, referred to a committee; and on its being reported back, a further debate was had on the subject, which led to the provision in the constitution as it now stands, allowing a prohibition of the importation of slaves after 1808.

Mr. President, it is not necessary to go further into this debate. Extended as it was, there was not a word of it, so far as I have seen, to show that in those discussions the question of the removal of slaves from one portion of the United States was ever contemplated or considered even for a moment, or that the institution of the ordinance of 1787 ever contemplated any such thing at that time as to other territory. The only proper and reasonable restriction on slavery, as then considered, was to take place after 1808; and that was supposed to have closed the question. I contend, therefore, that those who are opposed to slavery have no right to impose any restriction which the constitution itself did not impose. It was with great difficulty, and after a long debate, that, in a spirit of concession, the stipulation was made in the constitution that the importation of slaves should be prohibited after a certain time; and those who engaged in that bond have no right to extend it beyond that stipulation.

Mr. President, I have taken up so much of the time of the Senate already on this matter, that I must hasten to a close. But there is one view of the subject to which I wish briefly to refer, because I believe it is of much importance, and that it lies at the very foundation of the whole

thing; and that is what our fellow-citizens of the North term the evil of slavery. The opinion that it is an evil—sometimes, I admit, inconsiderately perhaps or from associations around them, concurred in by southern men—I consider to be totally and entirely erroneous. I hold that it is not an evil. We profess, in this age, to be a rational and a utilitarian people—to laugh at the fanaticism, the absurdities, and the follies of former ages, and to think that we are wiser than they; but when our history is drawn by an impartial pen, and an opinion is pronounced thereon by an impartial world, I fear we shall not be considered as any wiser than those who have gone before us. But, professing as we do to be a wise and utilitarian people, and to judge of things not by their names, but from their effects and results, all must be satisfied, judging of slavery by this test, that the opinion so universally entertained at the North that it is an evil is entirely fallacious.

How, sir, are we to judge whether it be an evil or not? Clearly, only by its results. Has slavery ever made, so far as it is applied to the African race in this country, any individual more unhappy or miserable than he would otherwise have been? If any man can say so, I should like to hear him. Has slavery in the United States made one of the thousands of the African race brought among us more unhappy than he was in his original state, or would he derive any advantage by being restored to his original condition? No, sir, this will not be contended for a single moment. It is the only progress the African race has ever made. It is a strong proof, if, indeed, it does not establish the fact, often assumed and generally believed, of the inferiority of the African race.* This inferiority is the reason why, when all other races of the world have made some progress, however little, he alone has stood perfectly still, and remained in all his original ignorance and barbarism. In Asia, in Europe, and everywhere, except Africa, there has been some elevation in the scale of civilization—some higher and some lower, it is true. Yet there is scarcely a portion of this globe upon which there has not been some progress in civilization, some advancement, some improvement, and some manifestation of the virtues of mankind exhibited, save among the African race. There has been none of this among them, sir. They have made no advancement among themselves; and the only advancement

*As a proof of this inferiority, I insert here an extract from an eminent British writer, entitled to the more weight because he seems to have concurred in many of the views of the abolitionists. It was published in 1822, and agrees with the distinguished American writers, Doctors Cartwright and Nott, and is supported by Holy Writ:

"In all the particulars just enumerated, the negro structure approximates unequivocally to that of the monkey. It not only differs from the Caucasian model, but is distinguished from it in two respects: the intellectual characters are reduced, the animal features enlarged and exaggerated. In such a skull as that represented in plate 8, selected because it is one which is strongly characterized, no person, however well conversant with natural history or physiology, could fail to recognise a decided approach to the animal form. This inferiority of organization, with corresponding inferiority of faculties, may be proved not so much by the unfortunate beings who are degraded by slavery, as by every fact in the past history and present condition of Africa.

"The abolitionists have erred in denying a natural inferiority so clearly evinced by the concurring evidences of anatomical structure and experience."—*Laurence's Physiology*, London, 1822.

they have ever made in civilization, and in the comforts and enjoyments of life even, and the only step in progress by this unfortunate race, has been this very slavery in America, so much decried. Take any portion of the 3,000,000 of slaves in the United States, and compare with a like number of their race in Africa, and what a contrast is presented in the relative progress and increase in numbers! Contrast them by any of the tests of civilization—take them collectively or separately—and what a marked difference is presented! Go among the Africans on their continent, and you see them starving, killing one another, robbing one another, and plunged into all the degradation of the most abject state of barbarism, sinking lower and lower, from one grade to another, until it is almost impossible to distinguish them from the savage brutes that roam their forests. Here you will find them attaining a civilization highly creditable to them, and living in the comfort and enjoyment attendant on a happy and prosperous people. Go on the plantations among those negroes so much sympathized with, and witness their happy and contented condition. I have seen their condition in the West, where I was born, and in the extreme South, where they are more numerous—I have seen them everywhere; and if those who are opposed to the institution could see them, as I have, in their cabins and in the fields at work, ever singing, and almost dancing at their labor—the gayest, happiest, the most contented and the best-fed people in the world—they would at once find other and more needful objects of sympathy. They are not only immeasurably better off than they would be in Africa, where their ancestors came from, but, take the whole 3,000,000, and compare them with a like number of laboring people in Europe, or even in our own northern States, and they would not only stand a comparison, but would prove themselves superior, so far as the comforts and enjoyments of life are concerned. No man denies this, who ever went among them and observed their condition. We frequently hear the remark made, and we are conscious of it ourselves, that our slaves are not only a happy people, but that they are much happier than we are ourselves. They have no care for the future; everything is supplied them; they have but moderate labor to perform; and when old age and sickness come upon them, certain provision is made for their support and comfort. Why, some time ago the senator from New Hampshire [Mr. HALE] stated a fact as showing the character of the female operatives of his section—certainly very creditable to the parties concerned. It was the case of some young ladies who worked in the factories, and who were so kind and dutiful to their aged parents, and so industrious as to earn money enough to support them when they were no longer able to work. I admire their conduct; it is highly creditable; it is the dictate of nature. I would not offend our friends of the North by any comparison between that class of their population and our slaves at the South; yet I will tell the gentleman that the necessity which devolved on those young ladies never would have occurred at the South among the slaves, because all those contingencies would have been fully provided for. Why, if I had time, and it was necessary to go into this subject, I could name a thousand instances that every day occur on the plantations

of the South, of the kindness exercised towards aged slaves, and the happiness in which they live.

I will mention an instance that I happen to know of, to illustrate the statement I have made with reference to the happiness and comfort which the slaves enjoy in their present situation. On an estate with whose proprietor I am well acquainted, there are three remaining of the old African race, who were imported into this country prior to the year 1805; of which class Africans there are but very few remaining in any part of the Union. Their several situations—which I will state briefly—are as follows: One is a female in extreme old age, who, although so long a resident of this country, has acquired but a very imperfect knowledge of the English language; in fact, her ordinary conversation can hardly be understood; and yet, sir, notwithstanding this barrier to active or peculiar service, which has existed during her entire residence in this country, she is now in her old age provided with a comfortable cabin, or house, in which to dwell; has a little garden attached, cultivated for her special benefit, and is amply furnished with all necessary food and clothing. Now that she is feeble and decrepid, no work is required of her, or service of any kind, further than to take care of some grandchildren and great-grandchildren, of whom she is so proud that if even she was requested to resign the charge of them, she would not do it. None but herself, she insists, shall attend to their wants, or even scold or chastise them, when it becomes necessary so to do. Another of them is an aged man, who is comfortably provided for in a similar manner, who has only to take care of his old wife, not an African by birth. The last of the three is a man of altogether a different character. He is a man of remarkable intelligence, who, by his natural quickness and industry, has acquired an excellent knowledge of some of the mechanical arts. After a life well spent in virtuous labor, he ceases from his round of daily toil. He has acquired, by using economically the time allotted him for his own temporal advantage, a considerable amount of property; at least, of an amount that many a northern man would be glad to call his own. He has a house and little farm, and horses, cows, and poultry; and upon several acres of his land, he gives employ to his children and great-grandchildren, during the time which is usually allotted to slaves as their time of leisure or holiday.* Every year the profit accruing from their labor is augmenting his little stock of wealth. I have mentioned these incidents, not because they are exceptions to a general course of treatment practised towards the slaves of the South, but simply as illustrative of the ordinary mode in which they are treated. Compare the condition of our slaves with the laboring class of Americans in the North, and how much superior will be found their condition in many respects. Why, Mr. President, I was struck the other day with an article in a northern paper, wherein it was stated that the sufferings of the poorer classes were becoming so great in some of the northern States, that it was proposed, in order to alleviate

* By the laws of Louisiana, and I believe in some other States, slaves are allowed *one hour for breakfast and two for dinner*. Are the laborers at Lowell allowed so much? My recollection tells me no.

the sufferings of the children, that the parents should be sold into slavery, or bound out to employers, in order to raise a sufficient sum for the support of themselves and children. This plan, sir, was gravely proposed as the only feasible way in which the evil could be remedied, by a northern editor, in a northern paper called the *Merchants' Day Book*. I will read the article to which I allude:

"A REMEDY FOR NORTHERN PAUPERISM.—The recent report of the chief of the police of New York, exhibiting the enormous amount of squalid want, prostitution, and habitual crime in that city, has stricken a momentary shame into that portion of the press which is incessantly prating of the moral superiority of the North over the South, glorifying the dignity of free labor, and claiming exclusive possession of the territories of the United States, on the ground that the inhumanity of northern freedom could never be brought to partake the soil in common with slaveholders. They now find it staring them in the face, from the reports of their own officers, that there is an amount of degradation (shameless and incurable, because beginning with the beginning of life) existing within our city's limits, greater than can be gathered in the whole population of the slaveholding States. Some of these presses are crying out, What shall be done? The *New York Merchant's Day Book* answers the question thus:

"Sell the feeblest parents of these children into slavery. Let our legislature pass a law, that whoever will take these dissolute and drunken parents, and take care of them and their offspring in sickness and in health, clothe them, feed and house them, shall be legally entitled to their services; and let the same legislature decree that whoever receives these parents and children, and obtains their services, shall *take care of them* as long as they live."

"The editor proceeds to say, with simple truth:

"In the slave States of this country there is less of it than anywhere else in the world. In fact, there are no such things as poverty, want, and starvation among the slaves. Such degradation and misery as are pictured in the report of the chief of police cannot exist in a southern city."

"And this comes, as the editor well says, not because of the superior charity and morality of the southern people, but because the master is bound equally by law, opinion, and interest, to provide for his slaves. If he *cannot* fulfil this condition, then, for that very reason, the slave immediately passes into the possession of one who can. The editor then draws this just and sensible conclusion:

"It is to be hoped, now that these philanthropists know how miserable and degraded New York is—and all large free cities are equally bad—they will turn their attention to the work of making it better, before they make Charleston, Savannah, Mobile, and New Orleans worse."

"Just and sensible in itself, but it will not be recognised where the advice is needed. For the moment, these philanthropists will roll their eyes and snipe their breasts; but the thousands of wretched outcasts in New York will derive no benefit from their theatrical commiseration, nor will the South have any rest from their denunciations and aggressions in consequence of this exposure of the character and extent of free pauperism. Self-emendation is a virtue laborious, painful, and costly. They could not hope to attain it speedily. Defamation of others can be practised extempore in perfection; costs nothing; not only involves no painful self-sacrifice, but, to editors like those of the *New York Tribune* and *Commercial Advertiser*, is a species of luxurious self-indulgence."

Now, sir, I do hope that before the senator

from New York and other honorable senators get up here to read us a lesson upon the dictates of humanity, and the wrongs of slavery, they will look first to things at home; and that, in addressing us upon the evils and while depicting the supposed wrongs of the slave in the South, they will portray also the real sufferings of the laboring classes in the North; and that, in positively denouncing slavery as an evil, they will substantiate their assertion by incontestable proofs before the country and before the world. Sir, I call upon the opponents of this system to do so now; and to prove that even the white laboring classes in the North—I say nothing of the blacks there—are as happy, or as contented, or as comfortably situated, as the blacks in the South. Sir, the slaves in the South do not suffer one-tenth part of the evils that the white laborers do in the North. Poverty is unknown to the southern slave; for as soon as the master of slaves becomes too poor to provide for them, he sells them to others who can take care of them. This, sir, is one of the excellencies of the system of slavery, that the slave never experiences the pinching wants of poverty. Sir, one may travel through the northern States and see thousands of the poor and destitute almost without the commonest necessities of life; but, sir, I defy any man to travel through the broad area of the fifteen southern States and find a single poor slave. There never was one, and there never will be one, as long as the institution of slavery exists. And yet, sir, notwithstanding the superior condition of the southern slave over that of the northern laborer, gentlemen of the North persist in their denunciations, and would even have the Union broken up, in order that the system of slavery may be prohibited.

Mr. President, there is one fact connected with this question of slavery which is strongly presented to my mind by the history of the Missouri compromise given us by the senator from Kentucky. One of the most prominent principles which we in the South have ever contended for, considering it as our only hope, is equality of representation in the Senate. At the time when the constitution was framed, it was not expected that there would ever be a conflict or difference of opinion between the different sections of the Union. But, sir, it was anticipated that there might be a difference of opinion and interest between individual States; and therefore the States were made equal in this branch of the government. When there is danger, sir, of one portion of a country or a nation—and especially of a confederacy like our own—encroaching upon the rights of another portion whose internal affairs may be somewhat differently managed, some provision should be made for the prevention of any such encroachment. This provision has been made in our government by the formation of this body, to act as a check upon any usurpation of power by the majority in the other House. It defends from all aggression, and repels all encroachments. But, sir, could it have been anticipated, at the time of the formation of the constitution, that the encroachments upon the institution of slavery would have ever been carried to the extent they have, I believe, sir, among the several compromises adopted would have been one that, in the event of any changes occurring in the slaveholding States, so as to lessen

their number in comparison with the free States, the equality of the southern States should still be guaranteed. And, sir, this is the only way in which hitherto we have been able to defend ourselves. We have had no power, had we so desired, to invade the rights of others: we have simply been enabled to act in self-defence. The veto power given to the Executive was not for purposes of aggression, but for the defence of his own department; and has not the history of our country shown the importance and the necessity of such a power? We have been informed by the senator from Kentucky that, in 1819, at the period when the Missouri compromise bill was agitated, a bill passed the House of Representatives embodying a provision prohibiting the introduction of slavery into the State of Missouri, and its final adoption was only prevented by the action of the Senate. Suppose in that case this check of the Senate had not existed, and the equality of the South in this branch no longer existed: what would have been the consequences? Would this government have gone on prospering and increasing in wealth and power? Never, sir; never. Had not that bill been rejected and the Missouri compromise been adopted, the whole of the vast territory in dispute would have been swept off to the exclusive benefit of the free States. This result was prevented by the action of the Senate. I believe, therefore, sir, that it is absolutely necessary to the interests of the South that this equality should be kept. As long as the Union exists, it must remain one of the fundamental principles that bind the several States together. Now, sir, allowing that the South obtain what they desire with reference to these new Territories, we shall not always be able to keep up this balance of power in the Senate; nevertheless, we can approach somewhat nearer to it; and then, when in that position, we can make a determined effort for a re-establishment of our equality. Should the numbers of the free States progress until the slaveholding States were placed in a helpless minority, allowing that there was some constitutional provision placing them upon an equality with their northern brethren, they would become mere provinces. They could not be called States—rather dependencies. Tell me not of stipulations of the constitution when placed in such a situation. I tell you, sir, that that people and those States who expect to preserve their rights inviolate must first have the power to do it. Take away the power, and the rights go also. The history of the world in all ages verifies this assertion; and some incidents in our own history, during the past few years, further establish its truth.

Sir, let us look at the situation of things, in the event that the Wilmot Proviso shall be applied to all these new Territories, and that they become free. I now consider the South as practically in a minority; for, although numerically fifteen States, yet Delaware has already abolished slavery prospectively, and her representatives, by their votes on various occasions, appear disposed to co-operate with the North. I have made a calculation, sir, as to the ratio of the slave States in size, compared with the free, after all the new Territories are divided and organized into new States. Here, sir, is the statement made up from the valuable statistics embodied in this

map which I have so repeatedly referred to. This map, I would here remark, is not one of mere conjecture, or made up from irresponsible sources, but was prepared by the executive department of the government at the last session, and was sent in with the last annual message of Mr. Polk, as an accompanying document, so that it is perfectly authentic and official. I will read the statement:

	Square miles.
The average area of free States is	- 30,252
The average of the same, including Delaware, is	- 23,529
The average of New England States is	- 19,709
The average of the same, not including Maine, is	- 5,840
The average area of all the States is	- 35,537

This ratio applied to the free States would give them 23 instead of 30 senators—a loss of 7; and, if applied to New England, not including Maine, would give 2 instead of 10—a loss of 8; and to all New England, 4 instead of 12—a loss of 8.

It is no defence of this inequality to say that these small States may make up in population what they lack in area; for the New England States now have in the House of Representatives 29 members, about one-seventh of the whole number of that House, and one-fifth in the Senate; and if there be some compensation in this consideration now, it is temporary; for the other States are capable of sustaining, and will soon have, a population equal to theirs, while the representation in the Senate is permanent.

If the resolutions of the senator from Kentucky should be adopted, which make all the territory recently acquired from Mexico and half of Texas free soil, we may hereafter, if our brethren of the North choose to allow it, (which, however, is not probable, for the cry is now that no more slave States shall be admitted,) have one more slave State by the division of Texas, by her own consent.

There will be a little fraction of territory, it is true, south of 32° 35', amounting to 35,319 square miles; but that has been appropriated to the Indians; so that we cannot make a State of that. We shall then have only one more new State at the most. Now, how will it be with the free States? There would remain to them in all the new territory an area of 1,994,390 square miles, which, at a ratio of 35,000 (the average of the present States) square miles to a State, would make *fifty-six* new free States, or, on a ratio of 50,000 square miles to a State, (about the average of the new States,) would give *thirty-nine* new States—all free; not a slave State among them—not one! and leaving the South in a minority of 16 to 54 States! If the Texas compromise should be adopted to the Pacific, there would, at the ratio of 50,000 square miles to a State, be seven slave and thirty-two free States—not quite one-eighth. This is surely not a bad thing.

But the senator is not willing to give us this compromise; so we must lose these seven States.

Why, sir, here is Rhode Island—I speak of her with great respect, for she has certainly been one of the most moderate in her action with regard to the South in that quarter of the Union; and her representatives here have exhibited a corresponding spirit—here is Rhode Island, containing only 1,200 square miles, on an equality with a State (Missouri) containing

67,000 square miles. Now, sir, is not this a glaring inequality? And yet, sir, we hear complaints of the inequality of the free States with the slave, because of the slave representation in the South. There is no comparison between them. The slaves in our country are the laborers that correspond to the laborers of the North. These laborers pay the taxes of your country, just as the white laborers in the North do. These negro laborers are persons, and, according to our views of the subject, it is unjust to deprive them of representation, at least in some degree. In fact, if the views of northern men were carried out, they would all be emancipated, and every one would consequently be entitled to representation.

Why, there is not a parish in my State that is not susceptible of, and that will not in a few years have, a population equal to that of Rhode Island. We have never complained of it. We were willing to submit to it; we were willing to abide by the bargain, although we cannot but feel that it is a hard bargain. Perhaps, if you drive us again into an original elementary State, a very different compact may be formed. We do not seek for this result. What we find written in the bond that we have subscribed to, we are willing to adhere to; we never violate our obligations; yet we cannot shut our eyes to the inequality which has been produced by the various and important concessions that we have made from time to time. We know that perfect equality is not to be expected in the administration of human affairs. There is no such thing on earth. It is a chimera. There is no human institution, law, or provision, that was every yet made, or that can be made, that will operate with perfect equality upon every human being. It cannot do it. The different situations in which mankind are placed—their different capacities, all the circumstances that surround them—make it impracticable. All that you can do is to approximate towards equality. Therefore we did not entertain the expectation of perfect equality when we entered into this confederacy, but we desired to approach as near to it as we could. But every day that passes clearly shows that that inequality is becoming greater; because the disparity between the larger and the smaller States is increasing. No such small States are now formed as were originally admitted; but the inequality between them and the larger States must continue to increase.

Now, I do not pretend to say that this would produce perfect equality; but I do say that when the balance of the new States increase as the others have heretofore done—and some of them are susceptible of much extension, and of producing greater resources—I do say that the inequality will be enormous.

Now, I ask you, sir, and I ask the Senate—I ask the country, and I ask the world—to say whether it can be expected, under such circumstances, that we should sit down quietly and acquiesce in a course the results of which would be such as are here stated?

Mr. President, the history of the relations of the North and the South, on the subject of slavery, may be stated in a few words. In the old confederation, the slave States, being in a majority in numbers, in population, and in area, in a spirit of unsuspecting liberality, gave up, from

their own resources, to the common fund, the finest and richest spot of virgin earth of the same size on the globe, now composing the five States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, and gave it not only to the common treasury, but to the dominion of free soil, by the ordinance of 1787. In the formation of the present constitution, they gave up the right to import slaves after 1808—an important political right, since representation was, in some degree, based on that class of the population. In 1819, when called on for another concession, they gave up again, to free territory, five-sixths of the vast domain acquired by the Louisiana treaty, though warned by the vote just before given in the House of Representatives that to do so would be giving up the only defensive power they had in the government—the Senate—to resist encroachment. The free States, instead of having anything to complain of on the subject of representation, have now, in the most important branch of the government, 10 senators—and if you include New Jersey and Delaware, which ought to be included, 14 senators—on an area not larger than Virginia, Louisiana, or Missouri—some of the States from which these senators come not being larger, or having greater natural resources, than many counties in those States and many others. You, the North, gave us Florida in 1819: but this only supplied the place of Texas, which you gave away in the same treaty. When you got back Texas, you took half of it for free territory, and now want to take more of it for the same purpose. In 1845 the Union acquired the immense domain of California and New Mexico. We do not ask for an equal division of it; we do not ask any of its gold or fine harbors. We ask but two-fifths of it, which would leave us only about one-seventh of the new territory out of which States are to be formed, or, to count by States, 7 to 32 States. You say, no, you must have it all, and have already seized upon the best part of it. You say you must do this to equalize representation, though we have demonstrated to you that you have greatly the advantage of us in that respect already, and have no reason to fear us; for if we should acquire all the power we wish, it only enables us to resist encroachments, and not to perpetrate them, for you would still have the ascendancy in the House of Representatives and in the executive. You say you do this to prevent the increase of slavery. We ask no increase, and we show you that extension makes the slave more happy. This is the true state of the case—the history of the past and the present. I hope it may never be incorporated by some future Gibbon into the preliminary chapter of a history of the decline and fall of an empire greater than that of Rome. In your hands, people of the North, the destiny of this republic rests. You can do with it as you choose; destroy it, or make it prosper more than it ever yet has. If you destroy it, perhaps both sections will suffer, but you must suffer infinitely the most. Pause, then, we ask you—not so much on our account as on your own—in the career which you are now pursuing. It is not yet, I hope, too late; but soon it may be. We make no threats; we speak not in anger, but in sorrow. We wish only to speak to you like brothers. We hope, we pray to God, you will listen to us in the spirit in which we speak, and that this strife between us will cease forever.

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